

**INSTRUCTIONS FOR UNDERTAKING  
AN ACQUISITION PROJECT  
UNDER THE  
LAND AND WATER CONSERVATION FUND**



*July 1988*

*State of California – The Resources Agency*  
**DEPARTMENT OF PARKS AND RECREATION**





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STATE OF CALIFORNIA - RESOURCES AGENCY  
DEPARTMENT OF PARKS AND RECREATION  
PLANNING AND LOCAL ASSISTANCE DIVISION  
P.O. BOX 942896  
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## INTRODUCTION

Reimbursement funding is provided up to 50% of the acquisition amount as shown on the project agreement with the state. Eligible properties for funding consist of acquisitions of lands and waters for public outdoor recreation. These can be new areas, additions to existing areas, wildlife areas, beaches, open space, or similar properties. Acquisition can be of fee simple title or by whatever lesser than fee property interest that will accomplish the desired use.

All acquisitions must comply with federal law; specifically, they must be done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and Amendments of 1987 (42 USC 4601 et seq.). The act provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms, and establishes uniform and equitable land acquisition policies for federal and federally assisted programs.

On December 17, 1987, the federal government issued an interim final rule (52 FR 47994 and 52 FR 48015) to include those provisions of the 1987 amendments (increased benefits for relocation assistance) that did not allow for discretion in their implementation. On April 2, 1989, the 1987 amendments become mandatory. Proposed final regulations are now in process.

Department of the Interior regulations and the LWCF Grants Manual will be revised to reflect the changes in the law. Meanwhile, this booklet should provide sufficient guidance to be successful on your project.

You are urged to make these instructions available to both your appraiser and acquisition agent.

In addition, please pay close attention to the LWCF Procedural Guide Part 1, which contains very important information regarding project responsibility and rules for future compliance.

## PREPARATORY WORK

1. Preliminary Title Report: What is it? Why do you need it? If you are a prudent purchaser, you will order one from the title company early in the project.

What it is: It will describe the property you are interested in. It will list all the interests in the property (and maybe even some that no longer exist). But it will serve to alert you to what sort of acquisition problems may be involved. So, you get one -- not just because we insist -- but really because it is a big help. Did you buy your own home? Did you use a broker for the transaction? If so, you can bet that someone in the process did a title search that started with a preliminary title report. So, it is the right thing to do. Find out what you are getting into -- early -- and do something about it. If it is going to get complicated, think about hiring a real property person to do it professionally. And you can believe us when we tell you that if you want the federal funds, it is going to get complicated. But we are here to help you, and we will make it work. We have done it for years.

If you agree that you need a preliminary title report, you are ready for the next step -- read and understand it. Look at the exceptions listed. Are they serious encumbrances? Will any of them have an impact on your project? Will you be able to take title to the property subject to the exceptions and not affect your intended use of the land? Which exceptions are to be cleared? Will you need to negotiate with someone besides the owner? Are the exceptions straightforward and clear? Maybe you will need to order copies of the recorded documents that are shown in the exceptions. Maybe you will need to have the title company do some more research. At the end of the project, you will want to have good insurable title, and that is what you will get from the title company -- a "policy of title insurance." If you don't take care, however, your insured title could have an exception to it that you won't like. It could be an oil well smack dab in the middle of your soccer field. Strange things can happen.

The first requirement for you is to submit to us:

- a. A preliminary title report containing a legal description and plat map. If the proposed purchase is of only a part of a property, then the preliminary title report will describe and map the whole property. This means you will have to get a separate legal description for the part to be acquired and a plat map of it as well.
- b. A summary of the agency's intended disposition of the title exceptions listed in the preliminary title report. For example, if there is an easement that could affect future recreation use, the agency will need to decide how to deal with those outstanding rights held by others. This office will review the report and the proposed actions. For items to be "taken subject to" (not cleared), the agency should present explanations why the item does not affect project use, and we will determine if the item is acceptable. Good examples of permitted exceptions are underground utility easements, existing public roads, existing private rights of way if properly located so as to not interfere with project purposes, and certain other public easements. Unacceptable uses might include exclusive rights of others or surface entry rights for extraction. Some items may require appraisal revisions or may involve adjusting project boundaries.
- c. A 6(f)(3) boundary map - see the Procedural Guide Part 1 for details.
- d. An acquisition schedule - See Procedural Guide Part 1 for format. This will tell us, and the National Park Service, what you need the money for and a little bit of how it will be spent -- negotiated purchase? or condemnation? life estate? easement? size? timing? any tenants? relocation? The schedule can give us a wealth of information -- all on one page. Attachment I is an example.
- e. Relocation plan (if needed) - see the section on relocation.

When we receive the above items, we will review them promptly and advise you of any problems and offer all the help we can.



2. Appraisal: Following the site selection and preliminary title investigation, the next step is to hire an appraiser. A designated professional such as an MAI or SREA is generally the best choice, but trained staff are often quite acceptable. Federal requirements do specify that the appraiser must be qualified, and the new regulations will probably specify the desired qualifications. At this time, there are general requirements that the appraiser must be experienced. Whoever you hire will have to certify that they have no interest in the real property being appraised. Compensation for making the appraisal shall not be based on the amount of the valuation. No appraiser shall act as a negotiator for the property that he or she has appraised, except that the agency may permit the same person to appraise and acquire where the valuation is \$2,500 or less.

NOTE: Property owners must be given the opportunity to accompany the appraiser during inspection of the property.

Except in extremely rare cases, real property must be appraised and the property owner advised of the value arrived at in the appraisal. The amount determined to be "just compensation" is based on the approved appraisal.

Federal law states:

"To the extent permitted by applicable law, the appraiser shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner" (Federal Rule 49 CFR Part 24).

Since you are reading this, we know you are a successful applicant (the competition for the limited funding has been keen). You or whoever is doing your real property work will have questions, like: what sort of an appraisal will the state be looking for? We want the best -- it is the right thing to do. At the same time, we do give you some leeway. Basically, you have three options:

- a. Narrative Appraisal Report: A detailed appraisal shall be prepared reflecting nationally recognized appraisal standards, including, to the extent appropriate, the "Uniform Appraisal Standards for Federal Land Acquisition" for all parcels whose value exceeds \$25,000. The specifications for such reports are summarized in Attachment B.
- b. Abbreviated Appraisal Report: An abbreviated appraisal, prepared by a qualified appraiser, is acceptable for a project with a value estimate between \$5,000 and \$25,000. This type of report should contain sales data and analysis, appropriate mapping for subject site and sales, qualifications of the appraisers, certification page, signature, and, of course, a date of value.
- c. Finding of Value (Letter Appraisal): For parcels of less than \$5,000 value, a written finding of value by a qualified appraiser suffices.

Recent legislation does allow that property below a \$2,500 value may be acquired in certain cases without an appraisal. This office, however, will always insist on, at the very least, a finding of value to justify the expenditure of funds.

The appraisal report should be submitted to this office for review and approval. For high value donations, reports may also be reviewed at the federal level. This review should be completed before the actual initiation of negotiations for purchase. In the event negotiations have already started before review, we will waive the prior review requirement if the report meets standards and is later approved. Early negotiations are done at the applicant's risk.

After completion of the appraisal and on review and approval of the report and "before the initiation of negotiations, the agency shall establish an amount which it believes is just compensation for the property. This amount shall not be less than the approved appraisal of the fair market value of the property, taking into account the value of allowable damages or benefits to the remaining property" (Federal Rule 49 CFR Part 24).

3. Statement of Just Compensation: This statement is prepared by the participant and presented to the seller at the initiation of negotiations. It reflects the fair market value (appraised value) of the property. The statement is not an offer to purchase, but may be combined with one. The statement also establishes the possibility of a need for relocation assistance. If signed by the seller as an acknowledgment of receipt, it certifies that the owner has been advised of the benefits due him/her or his/her tenants under the law. A suggested format for the statement is shown in Attachment C. Submit one copy.
4. Appraisal Updates (if needed): To assure equitable payments under the act, it is sometimes necessary for participants to update the appraisal report. Normally, an appraisal report will require updating at the same rate as the acceleration of value for the type of property indicated. It is the responsibility of the acquiring agency to ensure that appraisals are timely. Therefore, it is not advisable to obtain premature appraisal reports. Reports should be obtained when the participant is prepared to, and is authorized to, initiate negotiations. In certain circumstances, owners may have in their possession their own appraisal report. This report could be used to provide justification for settlement (described later). It must be remembered, however, that the owner's appraisal is not the appraisal on which to base the offer. The appraisal on which the offer is to be based is the approved appraisal prepared to federal standards at the request of the participant.

#### NEGOTIATIONS

The state by now has approved the appraisal; the title to be acquired has been determined to be acceptable. It is time to make the purchase.

The funding agency, of course, always assumes that negotiations go by the numbers, and naturally you either have a willing seller or you will file condemnation. At times you won't be so lucky, and the owner will tell you things you would rather not hear.

Well, if you have negotiated in good faith and followed proper policy, all is not lost -- yet. Be sure you do the right thing, and:

1. Give the property owner the full measure of compensation authorized by law, promptly and without forcing the owner to prolonged negotiation or costly litigation.
2. Do not use the replacement housing payment to induce agreement on price. Relocation assistance payments will be kept separate from acquisition offers (see Relocation Assistance).
3. Do not delay the ordering of an updated appraisal on the chance that an owner might sign. It is the acquisition agent's responsibility to ensure the timeliness of the offer.
4. Condemnation should not be advanced (or delayed) to induce an agreement on price.
5. If a partial taking would leave the owner with an uneconomic remnant, an offer should be made to acquire the uneconomic remnant along with the portion needed.
6. In determining project boundaries, take into account human considerations such as the economic and social effects of the acquisition and subsequent development on owners and tenants in the adjacent area.
7. If an owner is required to pay incidental costs of acquisition, offer to reimburse the owner for those costs. Optional Form DI-380e can be used in support. These incidental costs are eligible for reimbursement up to the total LWCF participation shown on the state agreement. (Obtain form from the Local Assistance Office or use local forms).

#### PROBLEM PURCHASES

At times, there will be disagreements on value and price to be paid. Usually, the seller will have an opinion of higher value for the property. It is not always true that the seller is unrealistic. He or she may be right. A second look is warranted. If the owner has data or solid evidence that supports a higher price, it should be considered. At times, the agency can pay more than the appraised value. We call that "administrative settlement."

1. Administrative Settlement: Delayed negotiations can sometimes lead to higher payments. Support for higher payment can include:
  - a. Owner's appraisal report if reasonable.
  - b. New sales data since the original report, supporting higher payment.
  - c. Evidence of other purchases of comparable property through court settlements.
  - d. Evidence that the increased amount is reasonable based on further appraisal cost or condemnation costs being excessive by comparison.

- e. Other reasonable evidence such as inflation studies supported by professional opinion.

If the project involves more than one property owner, great care must be taken to be fair. "No policy or practice is permitted which would penalize the uninformed owner as compared with the seller who is more knowledgeable about value" (Federal Rule 49 CFR Part 24).

In some instances, settlement appears to be beyond reason. Agencies may be able to resort to eminent domain. Even in eminent domain cases, there are amicable settlements short of the final judgment and final order. These are called legal settlements.

2. Legal Settlements - Stipulated Judgments: When acquisition is accomplished through judicial proceedings, the price determined by the court will be accepted in lieu of the approved appraisal. If, however, the price is determined by stipulation, then justification will be required to support participation over the appraised value if the amount of the grant is thereby affected. In legal settlements by stipulation, it is advisable to include the following as appropriate:

- a. New or revised appraisal reports or other evidence presented in support of value. This may include the owner's reports.
- b. Evidence regarding compensability of elements that may not have been covered in the appraisal process.
- c. Recent court awards for eminent domain takings in the area.
- d. Explanation of the major differences in approaches to value among the agency's witnesses and the owner's.
- e. Legal counsel's opinion regarding controversial considerations.
- f. Complex severance damages, if appropriate.

#### ACQUISITION AT LESS THAN JUST COMPENSATION

Nothing in these regulations is to be construed to prevent or deter a property owner from making a full or partial donation of property.

In those circumstances involving a partial donation, documentation must include evidence that the owner has been provided with a statement of just compensation. A written statement by the owner that he or she is making a partial donation is also required. A written offer to purchase and a statement of just compensation are not necessary when acquisition is by full donation -- the legal act of donation itself precludes the necessity for these actions. This documentation relates only to acquisition. Relocation benefits as provided by these regulations may still be applicable (tenants). (See Relocation Assistance - Right of Use and Occupancy.)

## POST-ACQUISITION DOCUMENTATION

Before the end of the project period, it is a fact that you will either acquire the property or the project will fail. Hopefully, you have succeeded. The rest is easy unless there is relocation, and if there is, you will have been involved long before this stage. In fact, you wouldn't have even gotten started without some sort of relocation planning. But sticking to acquisition concerns, we need final documents:

1. Vesting Document - Grant Deed: After the completion of the acquisition, submit a copy of the recorded deed or other appropriate title document.
2. Acquisition Map: The Local Assistance Office will need to verify the property description against the map submitted. The map, therefore, must be sufficient in detail to allow for verification of the legal description. The map also needs to display all outstanding rights (easements, etc.) held by others that are not subject to 6f(3) provisions. (See Procedural Guide Part 1, 6f(3) requirements.)
3. Policy of Title Insurance: Final policy of title insurance or other satisfactory evidence of adequate title should be submitted to the state for review. If an acquisition is by condemnation, a final order of condemnation may be sufficient if all interests have been cleared.
  - a. General and special tax liens should not appear in the policy of title insurance. Evidence of cancellation of taxes should be submitted to this department.
  - b. Privately held easements, conditions of ownership, and restrictive covenants or reversions on the lands acquired should not appear in the title policy. If conditions do exist that the participant feels will not conflict with the proposed recreation use, the participant may be required to obtain appropriate resolution from the governing body to assure the department and the National Park Service that existing encumbrance will not conflict with project uses. An example is permission to allow water rights or mineral extraction.
  - c. Title exceptions (easements, conditions, restrictions, etc.), exercise of which would be remote, may be acceptable. It must be clear that the elimination of such items would be an unreasonable burden. In such cases, there should be some guarantee that the project will be protected from adverse claims. Mitigation may be required in cases of conversions to other uses.

## RELOCATION ASSISTANCE

Most of our funded acquisitions do not typically involve occupied property. Park and recreation site selection fortunately can generally avoid disrupting neighborhoods and usually avoids attendant relocation problems. It does happen, though, and there is federal law providing for the proper approach to the problem.

You should not proceed with any phase of a project that will displace any person until it has been determined that decent, safe, and sanitary housing will be available in a reasonable time before displacement. The housing must also be available on a basis consistent with Title VIII of the Civil Rights Act of 1968 (PL 90-284) and the Flood Disaster Protection Act of 1973 (PL 93-234).

In providing relocation services, you may find it advisable to contract with recognized central relocation agencies. Such contracts tend to provide uniform and effective administration of relocation assistance programs and are eligible for reimbursement. In fact, while most incidental costs of acquisition are not eligible for reimbursement, keep in mind that your administrative costs for relocation are eligible provided there is sufficient funds under the LWCF agreement to cover both cost of property and eligible relocation expenses.

You will, if there is to be relocation, be required to submit a copy of your relocation plan.

### Relocation Plan

If there is to be displacement, and the homeowner, tenant, farm operation, or business is eligible for relocation assistance, the acquiring agency must prepare a relocation plan and provide an advisory services program. A copy of the plan and the name of the local individual responsible for an advisory services program shall be supplied to the office when the acquisition documents are submitted for review.

The relocation plan is a statement that describes how your agency intends to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646). Include such items as a description of your advisory services program, and detail the steps that will be taken to provide the benefits due to the property owner or tenant under the above legislation. Also, the plan should include the following information:

1. The estimated number of individuals, families, businesses, farms, and nonprofit organizations to be relocated;
2. The probable availability of decent, safe, and sanitary replacement housing within the financial means of the individuals and families being displaced;
3. The estimated total cost of payments to displaced persons and for all benefits under the act for replacement housing; and
4. The estimated cost of administering required relocation services to displaced persons.

The relocation plan must provide assurance there will be adequate replacement housing in a reasonable time before displacement. Such housing must be within the eligible displacee's means and reasonably accessible to his or her place of employment. Contact the office land agent if there is a question regarding the need for a plan.

## Informational Brochure

If the property owner and/or tenant is eligible for relocation assistance, the landowner and tenant must be kept informed of his/her rights and benefits. To assist in fulfilling this requirement, a brochure, "Relocation Assistance Information for the Landowner, Tenant, Farmers and Business," Attachment D, or a similar brochure, should be made available to the landowner or tenant when the statement of just compensation is signed. Use Attachment D as a source and develop your own brochure to better meet specific needs.

## Notifications

1. General Information Notice: As soon as feasible, persons scheduled to be displaced shall be furnished with a general written description of the agency's relocation program that does at least the following:
  - a. Informs persons of the payments, eligibility conditions, and procedures for obtaining payment.
  - b. Informs persons of advisory services available, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to achieve successful relocation.
  - c. Informs persons of the 90-day advance written notice and informs any person to be displaced that they cannot be required to move permanently unless replacement housing has been made available.
  - d. Informs persons of the right of appeal.
2. Eligibility for relocation assistance shall begin on the date of initiation of negotiations. Upon initiation of negotiations, the agency shall promptly notify all occupants in writing of their eligibility.

## Advisory Services

The agency shall carry out a relocation assistance advisory program that satisfies the requirements of Title VI of the Civil Rights Act of 1964 (42 USC Section 2000d et seq.), Title VIII of the Civil Rights Act of 1968 (42 USC Section 3601 et seq.), and Executive Order 11063 (27 FR 11527). The program shall include such measures, facilities, and services as may be necessary to: (1) determine the relocation needs and preferences of each person to be displaced and explain the payments and other assistance for which the person may be eligible, related requirements, and procedures for obtaining such assistance; and (2) provide current and continuing information on prices, availability, and rental costs of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one replacement is made available.

## Relocation Payments

For a recent summary, see Attachments D and H. It is not practical to reproduce here in full all of the federal regulations pertaining to these payments. All federally funded projects must be in compliance with current regulations. At this time, the regulations are under extensive revision.

When final regulations are available, they will be provided upon request. If your project involves relocation assistance, feel free to contact the Local Assistance land agent for guidance.

### Right of Use and Occupancy - Benefits Waived

Special legislation has been provided to allow for a degree of flexibility. Public Law 93-303 provides, in part, that the owner of a single-family residence may, at his or her option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence. If the owner elects to retain such a right, the owner shall be deemed to have waived any benefits under Sections 4623, 4624, 4625, and 4626 of Title 42, and for the purpose of those sections, such owners shall not be considered a displaced person as defined in Section 4601(6) of Title 42, also known as Section 101(6), 203, 204, 205, and 206 of the Uniform Act of 1970. Consequently, if an acquiring agency in a Land and Water Conservation Fund project permits a right of use and occupancy in excess of six months and then makes replacement housing payments, the agency may possibly not be entitled to reimbursement for such payments.

### Last Resort Housing

Occupants are entitled to have last resort housing made available when comparable replacement housing is not available within their financial means or when it exceeds statutory limits. If the agency has done a thorough job with site selection and planning, it is unlikely that last resort housing will be necessary. Park acquisitions, fortunately, tend to have such impacts very rarely. Contact this office for assistance.

### Documentation

Attachment E with accompanying exhibits (Forms DI-380 series) are offered to assist in complying with the act. It is permissible for the agency to use different forms than those provided, as long as they are equivalent. Contact the office land agent for assistance. (Note: Exhibits may be outdated due to new amendments and rules. Use as source information.)

### Relocation Appeals

When an appeal has been denied at the acquiring agency level, the appellant must be advised that the final decision on the appeal rests with the State Department of Parks and Recreation. Appellants should be given all assistance required to submit a further appeal to the state at the following address:

Department of Parks and Recreation  
Local Assistance Section  
P.O. Box 942896  
1416 Ninth Street  
Sacramento, CA 94296-0001

The director of Parks and Recreation, in his or her capacity as state liaison officer, will make the final decision on appeal. The director's decision will in no way preclude or limit the appellant from seeking judicial review. The office will review the relocation claim and the local level appeal. A written



summary and recommendation will be furnished the director for his or her consideration. The agency and the appellant will be furnished a written statement containing the decision and the factual and legal basis in support of the decision (see Attachment F).

#### TECHNICAL ASSISTANCE

The Local Assistance land agent is available at (916) 322-9575.

#### SUMMARY OF REQUIRED DOCUMENTATION

1. The following documentation should be submitted to the state for review:
  - a. Preliminary Title Document, including explanations -- 1 copy
  - b. Appraisal Report (and Update if necessary) -- 1 copy
  - c. Relocation Plan and Advisory Services Program (if relocation is involved -- 1 copy)
  - d. Statement of Just Compensation -- 1 copy
  - e. Copy of Offer or Purchase Agreement -- 1 copy
  - f. Legal descriptions of parcels and maps -- 1 copy
  - g. Policy of Title Insurance -- 1 copy
  - h. Administrative or Legal Settlement (if appropriate) -- 1 copy
  - i. Final Billing Statement -- 4 copies
  - j. Recorded Grant Deed -- 1 copy
  - k. Exhibits 1 through 9 as needed (or their equivalents) -- 1 copy
  - l. Other relocation exhibits as needed

The applicant will be notified of state approval of the acquisition documents. The state or the federal agency may waive any documentation requirements on request or on its own initiative when in the opinion of the responsible review level a requirement or set of requirement serves no useful purpose.



**ATTACHMENTS**



DEFINITIONS

Appraisal - A written statement, independently and impartially prepared by a qualified appraiser, setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

Comparable Replacement Housing - A dwelling that is (1) decent, safe, and sanitary; (2) functionally equivalent to the displaced dwelling; (3) adequate in size; (4) in an area not subject to unreasonable adverse environmental conditions; (5) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and is reasonably accessible to the person's place of employment; (6) on a site that is typical in size for residential development with normal site improvements; (7) currently available on the private market; and (8) within the financial means of the displaced persons.

Condition - A qualification or restriction annexed to a conveyance of lands, whereby it is provided that upon a happening of a particular event an estate shall commence, be enlarged, or be defeated.

Condition Precedent - A condition that must be fulfilled before a right accrues or an estate vests.

Condition Subsequent - A condition that defeats a previously accrued right or vested estate.

Conservation Easement - Any limitation in a deed, will, or other instrument in the form of an easement, restriction, covenant, or condition that is or has been executed by or on behalf of the owner of the land subject to such easement and is binding upon the successive owners of such land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition (Civil Code Section 815.1).

Construction Notice - Notice given by public records.

Conveyance - A written instrument transferring title to or an interest in land.

Covenant - An agreement or a promise.

Deed - A written document transferring ownership of land from one person to another.

Displaced Person - Means any person who moves from real property, or who moves his or her personal property from real property, as a result of the acquisition of such property, in whole or in part, by a public entity or by any person having an agreement with or acting on behalf of a public entity or as the result of the written order from a public entity to vacate the real property for a public use.

Easement - An interest in the land of another entitling the holder thereof to a limited use or enjoyment of the land in which the interest exists.

Eminent Domain - The right by which a sovereign government, or some person acting in its name and under its authority, may acquire private property for public use upon payment of just compensation and without consent of the owner.

Encumbrance - An interest or right in real property that diminishes the value of the fee, but does not prevent conveyance of the fee by the owner.

Fair Market Value - The amount in cash, or on terms reasonably equivalent to cash, for which, in all probability, the property would be sold by a knowledgeable owner willing but not obligated, to sell to a knowledgeable purchaser who desired but is not obligated to buy. It is the basis for "just compensation."

Fee - An estate of real property.

Fee Simple - Absolute ownership; an estate without limitations or restrictions.

Grant Deed - A written instrument transferring title to real property. Normally implies no previous conveyance of the same estate by the grantor and freedom of the estate conveyed from any encumbrance placed thereon by the grantor.

Leased Fee - A property held in fee with the right of use and occupancy conveyed under lease to others.

Leasehold - A property held under tenure of lease. A property consisting of the right of use and occupancy of real property by virtue of lease agreement.

Life Estate - Estate measured in time by the uncertain duration of a person's lifetime. The owner of the estate is called the life tenant. The remainder is the fee title subject to the life estate.

Natural Lands - An area of relatively undeveloped land that (1) has substantially retained its characteristics as provided by nature or has been substantially restored, or which can be feasibly restored, to a near-natural condition and that has outstanding wildlife, scenic, open-space, or park resources or a combination thereof; or (2) meets the definition of open-space land in Section 65560 of the Government Code.

Park - Means a tract of land with outstanding scenic, natural, open space, or recreational values, set apart to conserve natural, scenic, cultural, or ecological resources for present and future generations and to be used by the public as a place for rest, recreation, education, exercise, inspiration, or enjoyment.

Quitclaim Deed - Transfers the present right, title, or interest of the grantor in the real property as distinguished from a conveyance of the real property itself. Normally used for less than fee conveyances or to release special interests.

Real Estate - The physical land and appurtenances, including structures affixed thereto.

Real Property - The interests, benefits, and rights inherent in the ownership of the physical real estate.

Riparian Habitat - Means land that contains habitat that grows close to, and that depends upon soil moisture from, a nearby freshwater source.

Scenic Easement - A restriction imposed upon the use of the property of the grantor for the purpose of preserving the natural state of scenic and historical attractiveness of adjacent lands of the grantee.

Surface Easement - The right to use only the surface of the land.

Title Policy - A contract indemnifying against loss resulting from a defect in title to the interest or lien in real property insured.

Wetlands - Means lands that may be covered periodically or permanently with shallow water and that include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, fens, and vernal pools.

The first part of the report is a general introduction to the subject of the study.

The second part of the report is a detailed description of the methods used in the study.

The third part of the report is a discussion of the results of the study.

The fourth part of the report is a conclusion and a list of references.

The fifth part of the report is an appendix containing additional data and figures.

The sixth part of the report is a bibliography of the literature cited in the study.



SPECIFICATIONS FOR NARRATIVE APPRAISAL REPORTS

The participant and his contract appraiser or staff appraiser must realize that all appraisals submitted will be reviewed by the State Department of Parks and Recreation. In the case of federally assisted projects, the appraisals may be subject to final review and analysis by one or more federal agencies. Appraisers should be issued a copy of these instructions and be informed of the requirements for appraisals before contracting with the participants.

Assumptions and generalizations by the appraiser about the existence of utilities, access, and an estimated highest and best use that differs from the present use and present zoning, are unsatisfactory in reports to be submitted for eventual review. These items must be confirmed or justified by patterns of growth and demand, trends as indicated in the area, city, and neighborhood analysis. The impact of the proposed project on the highest and best use must be ignored. Any increase or decrease in value caused by the project must be disregarded in arriving at fair market value. The format of the appraisal report should comply with the appraisal requirements in the attached pages. After review, the participant will be notified what action, if any, must be taken to make the appraisal report and/or the title acceptable to the state.

It may be desirable to obtain a copy of "Uniform Appraisal Standards for Federal Land Acquisition" from the U. S. Government Printing Office.

It is the responsibility of the acquiring agency and is a requirement of law to see that the property owner or his agent is given the opportunity to accompany the appraiser in his or her inspection of the property. A letter or written statement should be included in the appraisal, indicating compliance with this provision.

GENERAL

In the preparation of his report, the appraiser shall follow professional appraisal practices and consider the three approaches to value, namely: Cost - Less Depreciation; Income; and the Comparative (or Market) approach, unless otherwise specified. Should certain approaches or requirements covered in these specifications not be applicable to the assignment, the contractual obligation can be fulfilled by identifying that approach or requirement together with a brief explanation of its omission (for example, an appraisal involving land valuation only).

CONTENTS OF APPRAISAL REPORT

## Part I - Introduction

1. TITLE PAGE. This includes (a) the name and street address of the property, (b) the name of the individual making the report, and (c) the effective date of the appraisal.
2. TABLE OF CONTENTS.

3. LETTER OF TRANSMITTAL.
4. PHOTOGRAPHS. Pictures should show at least the front elevation of the major improvements, plus any unusual features. There should also be views of the abutting properties on either side and that property directly opposite. When a large number of buildings are involved, including duplicates, one picture may be used for each type. Views of the best comparables should be included whenever possible. Except for the overall view, photographs may be bound as pages facing the discussion or description that the photographs concern. All graphic material should include captions.
5. STATEMENT OF LIMITING CONDITIONS AND ASSUMPTIONS.
6. REFERENCES. If preferred, may be shown with applicable approach.

#### Part II -- Factual Data

7. PURPOSE OF THE APPRAISAL. This shall include the reason for the appraisal, and a definition of all values required and property rights appraised.
8. LEGAL DESCRIPTION. This description shall be so complete as to properly identify the property appraised. If lengthy, it should be referenced and included in Part IV. If furnished by the government and would require lengthy reproduction, incorporate by reference only.
9. AREA, CITY, AND NEIGHBORHOOD DATA. This data (mostly social and economic) should be kept to a minimum, but should include such information that directly affects the appraised property, together with the appraiser's conclusions on significant trends.
10. PROPERTY DATA:
  - a. Site. Describe the soil, topography, mineral deposits, easements, etc. A statement must be made concerning the existence or nonexistence of mineral deposits of commercial value. In case of a partial taking, discuss access to remaining tract both before and after the taking. Also, discuss the detrimental and hazardous factors inherent in the location of the property.
  - b. Improvements and Equipment. This description may be by narrative or schedule form and shall include dimensions, cubic and/or square foot measurements, and where appropriate, a statement of the method of measurement used in determining rentable areas such as full floor, multi-tenancy, etc. Major improvements should be diagrammed with rooms identified and measurements shown.

State briefly the purpose for which the improvements were designed, and include dates of original construction, major renovation, and/or additions.

Include a statement of the type and purpose of any equipment and its state of cannibalization. The current physical condition and relative use and obsolescence shall be stated for each item or group appraised, and, whenever applicable, the repair or replacement requirements to bring the property to usable condition.

Any related personal property or equipment, such as tenant trade fixtures, which are not attached or considered part of the realty, shall be separately inventoried. Where applicable, these detachable or individually owned items shall be separately valued.

- c. History of Conveyances. For privately owned property, include a five-year record on each parcel of all sales, and if possible, offers to buy or sell, and recent leases. If no sale was made in the past five years, include a report of the last sale.
- d. Assessed Value and Annual Tax Load. Include the current assessment and dollar amount of real estate taxes. If the property is not taxed, the appraiser shall estimate the assessment in case it is placed on the tax roll, state the rate, and give the dollar amount of the tax estimate.
- e. Zoning. Describe the zoning for subject and comparable properties (where government owned, state what the zoning probably will be under private ownership). If rezoning is imminent, discuss further under item 11.
- f. Occupancy. State whether owner or tenant occupied. Include number of occupants, rental rate, economic rent, and room count information.

### Part III -- Analyses and Conclusions

11. ANALYSIS OF HIGHEST AND BEST USE. The report shall state the highest and best use that can be made of the property (land and improvements, and where applicable, machinery and equipment) for which there is a market. Highest and best use is defined as the most profitable likely use of a property. A property in transition to another use cannot be valued on the basis of one use for land and another for improvements.

Elements affecting value that depend on events or a combination of occurrences that, while in the realm of possibility, are not clearly shown to be reasonably probable, should be excluded from consideration. If the intended use is dependent on an uncertain act of another person, the intention cannot be considered.

12. LAND VALUE. The appraiser's opinion of the value of the land shall be supported by confirmed sales of comparable, or nearly comparable, lands having like optimum uses. Differences shall be weighed and explained to show how they indicate the value of the land being appraised. The appraisal shall state the value of the land as if vacant, and shall report the method used to arrive at such value; i.e., comparative, anticipated use, abstractive, or residual, with such documentation as needed.

13. VALUE ESTIMATE BY COMPARATIVE (MARKET) APPROACH. All comparable sales used shall be confirmed by the buyer, seller, broker, or other person having knowledge of the price, terms, and conditions of sale. Each comparable should be weighed and explained in relation to the subject property to indicate the reasoning behind the appraiser's final value estimate from this approach.
14. VALUE ESTIMATE BY COST APPROACH, IF APPLICABLE. This section shall be in the form of computative data, arranged in sequence beginning with reproduction or replacement cost, and shall state the source (book and page if a national service) of all figures used. The dollar amounts of physical deterioration and functional and economic obsolescence, or the omission of same, shall be explained in narrative form. This procedure may be omitted on improvements, both real and personal, for which only a salvage or scrap value is estimated.
15. VALUE ESTIMATE BY INCOME APPROACH, IF APPLICABLE. This shall include adequate factual data to support each figure and factor used and shall be arranged in detailed form to show at least (a) estimated gross economic rent or income; (b) allowance for vacancy and credit losses; and (c) an itemized estimate of total expenses including reserves for replacements.  
  
Capitalization of net income shall be at the rate prevailing for this type of property and location. The capitalization technique, method, and rate used shall be explained in narrative form supported by a statement of sources of rates and factors.
16. INTERPRETATION AND RECONCILIATION OF ESTIMATES. The appraiser shall interpret the foregoing estimates and shall state his reasons why one or more of the conclusions reached in items (13), (14), and (15) are indicative of the market value of the property.
17. BEFORE AND AFTER STUDIES. In the case of partial taking, the after value shall be supported to the same extent as the before value of the whole and the part taken. This support shall include comparable sales, any change in highest and best use, and any other appraisal methods as needed to support such after value of the remainder. To assist the review appraiser, the appraiser shall, in the appraisal or separately, analyze and tabulate the difference showing a reasonable allocation to land, improvements, damages, and benefits.
18. CERTIFICATION. This shall include a statement that the appraiser has no undisclosed interest in the property and that he or she has personally inspected the premises; the date; and the amount of value estimated, etc. The appraiser must certify that the property owner or designated representative was invited to accompany the appraiser during inspection of the property.

#### Part IV -- Exhibits and Addenda

19. LOCATION MAP. (Within the city or area.)
20. COMPARATIVE MAP DATA. Show geographic location of the appraised property and the comparative parcels analyzed.

21. DETAIL OF THE COMPARATIVE DATA.
22. PLOT PLAN.
23. FLOOR PLANS. (When needed to explain the value estimate.)
24. OTHER PERTINENT EXHIBITS.
25. QUALIFICATIONS. (Of all appraisers and/or technicians contributing to the report.)

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**STATEMENT OF JUST COMPENSATION**

Pursuant to \_\_\_\_\_  
(Authority)

\_\_\_\_\_ is now in the process  
(Acquiring Agency).

of acquiring private property necessary for \_\_\_\_\_  
It is necessary to acquire your property, since it is within the project area.

We are prepared to commence negotiations with you for the purchase of your property subject to any existing Easements or Restrictions of record and excepting and reserving the following interests which will not be acquired and for which no value is included in our estimate of just compensation: \_\_\_\_\_

In compliance with Section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, and/or Chapter 16 of Division 7 of Title 1 of the Government Code, an estimate of just compensation in the amount of \$ \_\_\_\_\_ has been made for the interest to be acquired in your property (See "Legal Description"). This amount is based upon an approved appraisal and is not less than the appraiser's opinion of fair market value which he determined after a personal inspection of your property, at which time, you or your representative were given the opportunity to accompany him.

The appraisal takes into consideration the location of your property, its highest and best use, current land sales of properties similar to your property and other indicators of values, i.e., \_\_\_\_\_

Just compensation includes amounts for the land, improvements, severance, if any, and other elements as follows:

LAND	\$ _____	
IMPROVEMENTS:		
Buildings	\$ _____	
Structures	\$ _____	
DAMAGE TO THE REMAINDER	\$ _____	
OTHER	\$ _____	
TOTAL		\$ _____

Any increase or decrease in the market valuation caused by the public improvement or project for which the property is to be acquired, or by the likelihood that the project would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded in making the determination of just compensation.

Attached is a brochure entitled "Relocation Assistance Information for Landowners, Tenants, Farmers and Businesses." This brochure provides information about relocation benefits that you may be eligible for under Public Law 91-646 and State statutes.

**STATEMENT OF OWNER**

I have been informed of my rights under Public Law 91-646 and State statutes.

(Initials) \_\_\_\_\_

I have read and understand the Statement of Just Compensation.

(Initials) \_\_\_\_\_

There are persons living on the property.

Yes \_\_\_\_\_ No \_\_\_\_\_

There are businesses being conducted on the property by others.

Yes \_\_\_\_\_ No \_\_\_\_\_

The following are living or are conducting business on the property (including owner if in occupancy): (Give name and address.)

\_\_\_\_\_  
\_\_\_\_\_

Signed \_\_\_\_\_ Signed \_\_\_\_\_  
(Agency Representative) (Owner)

\_\_\_\_\_  
(Representative of Owner)

Date \_\_\_\_\_ (Address)

Signatures on this form do not constitute agreement on value, but only serve to indicate receipt of the form. Signature by owner regarding relocation assistance information does not in any way obligate owners, but only serves to provide the agency with information for relocation planning.

**LEGAL DESCRIPTION:**



State of California  
Resources Agency  
Department of Parks and Recreation  
Planning and Local Assistance  
P.O. Box 942896  
1416 Ninth Street  
Sacramento, CA 94296-0001

RELOCATION ASSISTANCE INFORMATION\*

January 1977  
(Rev. May 1988)

\*The information contained in this brochure is not guaranteed to be accurate nor current. The brochure is provided to grant applicants as an example of brochures previously in use. New legislation and rules are in process and may cause changes in both eligibility requirements and benefits.

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

**RELOCATION ASSISTANCE INFORMATION FOR  
LANDOWNERS AND TENANTS**

**GENERAL**

**Relocation Assistance:  
What Is It?**

In order to help people qualify for assistance when they must move because their property is required for a public project, the Congress of the United States passed the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 as amended (42 U.S.C. 4601 et seq.). The California State Legislature also passed appropriate legislation (Chapter 16 Government Code). The legislation provides for both payments and relocation services. The payments will help pay your moving costs and the increased buying or renting cost of replacement housing. In addition to these payments, relocation services are provided to help you find a replacement house or apartment.

**PAYMENTS**

**Moving Expense Payments:  
Who Is Eligible?**

Any "displaced person" is eligible to receive payment for moving expenses. A displaced person is one who moves as the result of the acquisition or as the result of a written order of the acquiring agency to vacate. You will be contacted and advised of your eligibility within a reasonable period of time after the contact with the owner is made. Please look at the section under "Moving Expenses" for payments and necessary qualifying procedures.

**Replacement Housing Payments:  
Who Is Eligible?**

If you owned and occupied or rented the property at least 90 days before the first contact with the owner of the property where price was discussed, then you may be eligible for payment to assist you in securing replacement housing. You will be contacted and advised of your eligibility. Please refer to the section under "Replacement Housing Payments" for information.

MOVING EXPENSES  
INDIVIDUALS OR FAMILIES

What Are Moving Expense Payments:

A moving expense payment is the payment for the cost of moving personal property and may include the cost of dismantling, disconnecting, crating, loading, insuring, temporary storage, transporting, unloading, and reinstalling the personal property.

Method of Payment

\*Room Count Method of Payment:

The Room Count Method of payment provides for a flat payment based on the number of rooms of furniture and personal belongings in the house that must be moved. If the Room Count Method is chosen, the following schedule applies where the household furniture or equipment is owned by the displaced person or family:

1 Room ..... \$100  
2 Rooms ..... \$200  
3 or More Rooms ..... \$300

Where the personal household furniture or equipment is owned by the landlord or where the displaced person or family furnishes none or only a minimum amount of his/her household equipment, payment will be as follows:

1 Room ..... \$ 50	4 Rooms ..... \$200
2 Rooms ..... \$100	5 Rooms ..... \$250
3 Rooms ..... \$150	6 Rooms ..... \$300

In addition to these payments, a displaced individual or family who elects to receive payments based on these schedules shall receive a dislocation allowance of \$200.

Actual Cost Moves:

If a displaced individual or family does not use the Room Count Method of payment, then they will be paid their actual reasonable moving expenses based on paid, receipted, and itemized bills from the moving company performing the move. In this case, the \$200 dislocation allowance will not be paid.

\*New schedule to be developed.

## REPLACEMENT HOUSING PAYMENTS

### Who Is Eligible?

If you lived in the property 90 consecutive days before the time of the first contact with the owner of the property to be acquired when price was discussed, then you are eligible for a replacement housing payment, if you purchased or occupy a decent, safe, and sanitary dwelling within one year after you receive final payment for the property being acquired by the agency or one year from the date on which you move, whichever is later.

The Act provides that the acquiring agency shall verify the fact that adequate replacement housing is available; and a list of such replacement dwellings will be made available to you before authorizing clearance of the land. This means that you will not be forced to move unless we are able to offer you decent, safe, and sanitary housing which is available for your immediate occupancy.

The following sections define the specific categories of eligibility as to time before the first personal contact with the agency where price was discussed and as to the type of tenancy of the occupant.

### OWNER-OCCUPANT FOR 180 DAYS OR MORE, WHO PURCHASES

### Payments:

A displaced owner/occupant of a dwelling may receive additional payments up to but not exceeding \$15,000.\* These payments are for: (1) the additional cost to purchase replacement housing; (2) to compensate the owner for the loss of favorable financing on his or her existing mortgage; and (3) to reimburse the owner for incidental expenses.

An owner/occupant is eligible for such payments if he or she was (1) in occupancy at the time of the first

\*Increases to \$22,500 when California law passes. Federal law = \$22,500.

contact where price was discussed; (2) such occupancy has been for at least 180 days immediately before the initiation of negotiations for the parcel; (3) the property was acquired from him or her by the agency or he or she received a written order from the acquiring agency to vacate; and (4) he or she purchases and occupies a decent, safe, and sanitary dwelling within a one-year period beginning on the date on which he or she receives final payment for the property or on the date on which he or she moves from the acquired dwelling, whichever is later. The agency may extend for good cause.

**Replacement Housing Differential:**

The Replacement Housing Differential Payment is the amount that when added to the amount for which the agency purchased the property equals the (1) actual cost the owner is required to pay for a decent, safe, and sanitary dwelling or (2) the amount determined by the agency as necessary to purchase a comparable replacement dwelling, whichever is less. Your land agent will inform you of the amount determined by the agency as necessary to purchase a comparable replacement dwelling at his/her initial contact with you. This amount may change, however, and you should keep in close contact with your land agent.

**Interest Differential Payment:**

Increased interest cost payments are provided to pay a displaced person for the increased interest cost he or she is required to pay for financing a replacement dwelling. To be eligible for this payment, the existing mortgage or deed of trust must be a valid lien on the acquired dwelling for not less than 180 days before the date of the first written offer, and the mortgage on the replacement dwelling must bear a higher effective rate of interest than the stated rate on the deed of trust or mortgage encumbering the replacement dwelling. Your land agent will secure estimates for you of this interest differential payment.

**Incidental Expenses:**

The incidental expenses payment is the amount necessary to reimburse the homeowner for the actual costs incurred by him or her in purchasing the replacement dwelling.

**Payment Limitation:**

The combination of the housing differential, the interest differential, and the incidental payments will not exceed \$15,000 (\$22,500 federal law).

**OWNER-OCCUPANT FOR  
180 DAYS OR MORE, WHO RENTS**

**Payment Amounts:**

An owner/occupant eligible for a replacement housing payment, as described above, who elects to rent a replacement dwelling, is eligible for a rental replacement housing payment not to exceed \$4,000.\*

**Disbursement of Payment:**

The payment will be in a lump sum except when the displaced person requests installments.

**OWNER-OCCUPANT FOR LESS THAN  
180 DAYS, BUT NOT LESS THAN  
90 DAYS, WHO PURCHASES**

**Payments:**

A displaced owner/occupant who has owned and occupied the dwelling for less than 180 consecutive days but not less than 90 consecutive days, and is in occupancy at the first time price is discussed, may receive a payment not to exceed \$4,000\* to enable he or she to make a down payment on the purchase of a replacement dwelling and to reimburse him or her for actual expenses of such purchase, or to rent a replacement property.

**Eligibility Requirements:**

The owner/occupant must be (1) in occupancy at the initiation of negotiations and (2) occupancy must be for less than 180 days but not less than 90 days immediately before the initiation of negotiations for the parcel, (3) the property must be acquired by the agency, or he or she received a written order from the

\*\$5,250 when California law passes. Federal law = \$5,250.

acquiring agency to vacate and (4) he or she purchases and occupies a decent, safe, and sanitary dwelling not later than the end of a one-year period beginning on the date on which he or she receives final payment for the property or on the date on which he or she moves from the acquired dwelling, whichever is the later date.

**Expenses:**

The down payment may also include the expenses incidental to the purchase of replacement housing.

**Method of Payment:**

The full amount (up to \$5,250) of the down payment (as determined by the agency as the amount required for the down payment on a comparable dwelling and the incidental expenses) will be paid by the agency. The full amount of the down payment must be applied to the purchase price as the down payment and incidental costs.

OWNER-OCCUPANT FOR LESS THAN  
180 DAYS, BUT NOT LESS THAN  
90 DAYS, WHO RENTS

**Who Is Eligible?**

A (1) displaced owner-occupant who is (2) in occupancy at the initiation of negotiations for the acquisition of real property; (3) who has been in occupancy for at least 90 consecutive days but less than 180 days immediately before the date of initiation of negotiations; (4) whose property is acquired or who moves as a result of a written order from the acquiring agency to vacate; and (5) who rents and occupies a decent, safe, and sanitary dwelling (6) within one year after the property is acquired or within one year of the date on which he or she moves from the acquired property, whichever is later, is eligible for a rental replacement housing payment not to exceed \$4,000 (\$5,250 new law).

**Disbursement of Payment:**

The payment will be in a lump sum except when the displaced person requests installments.



TENANT/OCCUPANT FOR NOT LESS  
THAN 90 DAYS, WHO RENTS A  
REPLACEMENT DWELLING

Who Is Eligible?

A displaced tenant is eligible for a rental replacement housing payment not to exceed \$4,000\* if he or she is (1) in occupancy at the beginning of negotiations; (2) such occupancy has been for at least 90 days immediately prior to the initiation of negotiations; (3) property was acquired by the agency or he or she receives written notice to vacate and he or she (4) rents and occupies a decent, safe, and sanitary replacement dwelling (5) within one year after the property is acquired or within one year of the date on which he or she moves from the acquired property, whichever is later.

Disbursement of Payment:

The payment will be in a lump sum except when the displaced person requests installments.

TENANT/OCCUPANT FOR NOT LESS  
THAN 90 DAYS, WHO PURCHASES A  
REPLACEMENT DWELLING

Who Is Eligible?

A displaced tenant is eligible for down payment assistance not to exceed \$4,000\* if he or she is (2) in occupancy at the beginning of negotiations and such (2) occupancy has been for at least 90 days immediately prior to the initiation of negotiations; (3) the property was acquired by the agency or he or she receives written notice to vacate from the acquiring agency and he or she (4) purchases and occupies a decent, safe, and sanitary replacement dwelling (5) within one year after the property is acquired or within one year of the date of his or her move from the acquired property, whichever is later.

Expenses:

The down payment may also include the expenses incidental to the purchase of replacement housing.

\*\$5,250 new law.

**Method of Payment:**

The full amount of the down payment (as determined by the agency as the amount required for the down payment on a comparable dwelling and the incidental expenses) up to \$5,250 will be paid by the agency. The full amount of the down payment must be applied to the purchase price of the replacement dwelling as such down payment and incidental costs.

**MOBILE HOMES**

Eligible owners of mobile homes or a mobile home site and eligible tenants of a mobile home or a mobile home site are qualified for replacement housing payments in the same condition and same circumstances as the owners or tenants of any other dwelling. Because of the varied number of types of occupancies, please contact your land agent for specific information.

**MOVING EXPENSES FOR MOBILE HOMES**

**Who Is Eligible?**

An individual or family owning or occupying a mobile home who moves or moves his or her personal property and the property is acquired, or the move is a direct result of a written order to vacate from the acquiring agency, is eligible for moving payments.

**Owners of Mobile Homes:**

The owner of a mobile home may be reimbursed for the actual cost of moving the mobile home or other personal property.

**Amount of Payment:**

The owner/occupant of a mobile home who moves both the mobile home and his or her personal property shall be paid based on the extreme external dimensions including towing gear that is an integral part of the mobile home as follows:

- A. If not more than 8 feet wide or 40 feet long - \$200.00
- B. If more than 8 feet wide or more than 40 feet long - \$300.00

Add the \$200 Dislocation Allowance.

**Mobile Home Tenants:**

Tenants who are displaced from a mobile home may elect to be reimbursed for moving their personal property on an actual reasonable moving cost basis or a room count basis. Please contact your land agent for specific information.

**RELOCATION ASSISTANCE INFORMATION FOR FARMERS AND BUSINESSES**

**PAYMENTS**

**Who Is Eligible?**

The owner of a displaced business or farm operation who moves his or her personal property from real property as a result of the acquisition of such real property or as the result of a written notice to vacate from the acquiring agency, is eligible for the actual reasonable expenses in moving his or her business or other personal property.

**Actual Cost Move Payment:**

The owner of a business or farm operation may be paid the actual reasonable cost of moving his or her business or farm equipment or other personal property based on receipted bills from a commercial mover. A business may, however, perform the move itself and be paid a reasonable amount to be agreed on in writing in advance of any such move by the agency and the displaced business. The amount agreed on shall not exceed the lower of at least two firm bids or estimates obtained by the owner from qualified firms or estimators. Either the self-move or the actual cost by commercial mover requires the prior written authorization by the agency.

**What are Moving Expense Payments?**

A moving expense payment is the payment for the cost of moving personal property and may include the cost of dismantling, disconnecting, crating, loading, insuring, temporary storage, transporting, unloading, and reinstalling the personal property.

**Actual Direct Loss of Tangible Personal Property:**

The owner of a business or farm is entitled to receive a payment for the actual direct losses of tangible personal property in moving or discontinuing his business. Payments for the actual direct losses may be made only after a bona fide effort has been made by the owner to sell the particular item. In no event will the payment exceed the estimated cost of moving.

**Actual Expenses in Searching for a Replacement Business or Farm:**

The owner of a displaced business or farm may be reimbursed for the actual reasonable expenses in searching for a replacement business or farm not to exceed \$500.\* Such expenses may include transportation, lodging away from home, and the reasonable value of time actually spent in the search, including the fees of real estate agents and real estate brokers if actually required and paid by the displaced business. All expenses claimed must be supported by receipted bills or on a certified statement of the time spent in search and the hourly wage rate of the person conducting the search.

**What To Do If You Elect Actual Moving Costs:**

When you are ready to move, you should do the following things:

1. Secure moving cost estimates from two licensed moving companies.
2. Mail or deliver the estimates to your land agent.
3. Your land agent will give you a letter authorizing the move based on the lowest reasonable estimate received.
4. Move, pay the mover, and get receipted bills.
5. Submit the receipted bills together with the claim form within 18 months of vacating the premises.

\*New law = \$1,000.

## FIXED PAYMENT OPTION

### Fixed Payments:

Instead of actual moving expenses, an owner of a discontinued or relocated business or farm operation is eligible to receive a payment equal to the average annual net earnings of the business or farm, except that such payment may not be less than \$2,500 or more than \$10,000.\*

### Determination of Amount of Payment:

The amount of the payment is determined by an audit of the income tax statements of the business or farm for the two taxable years in which the business or farm operation moves from the real property acquired.

### How are Average Annual Net Earnings Determined?

The earnings will be established by voluntary submission of substantiating federal or state income tax returns or by allowing audit of business accounts by a qualified public accountant.

### Requirements for Entitlement for Fixed Payment:

1. The business cannot be relocated without a substantial loss of existing patronage.
2. The business is not part of a commercial enterprise having at least one other establishment that is not being acquired and that is engaged in the same or similar business.
3. The business contributes materially to the income of the displaced owner.
4. The business possesses personal property which must be moved in connection with such displacement; and, the business vacates or relocates from its displacement site.
- \*\*5. The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others.

\*New limits - \$1,000 to \$20,000.

\*\*Proposed ruling.

**Nonprofit Organization:\***

A displaced nonprofit organization may choose a fixed payment of \$2,500 in lieu of actual moving costs if the agency determines it cannot be relocated without substantial loss of patronage.

**REESTABLISHMENT EXPENSES -  
NONRESIDENTIAL MOVES\*\***

In addition to the payments for moving costs, a small business, farm, or nonprofit organization may be eligible to receive a payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing such operation at a replacement site.

**APPEALS**

**Who May Appeal?**

All persons displaced by a public project may appeal for a determination of their eligibility or the amount of their payment.

**How To Appeal?**

Ask your land agent for an appeals form. He or she will help you fill it out and see that it is directed in the proper manner.

Unresolved appeals at the acquiring agency level can also be referred to the State Department of Parks and Recreation at the following address: Planning and Local Assistance Division, P.O. Box 942896, Sacramento, CA 94296-0001.

**When May Appeals Be Made?**

Appeals may be made up to 24 months after the local agency has purchased your property or you have moved, whichever is later.

\*New provision.

\*\*New class of payments - effective when California law passes.

INSTRUCTIONS FOR COMPLETING  
RELOCATION EXHIBITS

Exhibit 1:

Form DI-380 is used for claiming moving expenses for families and individuals. These can be by Fixed Payment (see Room Count Method of Payment in Attachment D) or by Actual Cost. If actual costs are claimed, the Dislocation Allowance (\$200.00) cannot be claimed. In order to claim moving costs, the claimant must be displaced. (Department of the Interior Regulations 41 CFR 114-50.6 and 41 CFR 114-50.7.)

Exhibit 2:

Form DI-380(a) and related Schedules A, B, C, and D are used for Moving Costs for Business and Farm Operations (see Attachment D). (Department of the Interior Regulations 41 CFR 114-50.6 and 114-50.7.)

Exhibit 3:

Form DI-380(b) is used for replacement housing claims for owner-occupants of 180 days or more who purchase (see Attachment D). (Department of the Interior Regulations 41 CFR 114-50.8.)

Exhibit 4:

Form DI-380(c) is used for replacement housing claims for tenants and owner-occupants who rent replacement housing (see Attachment D). (Department of the Interior Regulations 41 CFR 114-50.9.)

Exhibit 5:

Form DI-380(d) is used for down payment assistance for eligible owners and tenants who purchase replacement housing. Owner-occupants of less than 180 days but not less than 90 days, and tenants of not less than 90 days are eligible (Attachment D). (Department of the Interior Regulations 41 CFR 114-50.9.)

Exhibit 6:

This exhibit is a suggested comparable approach for the agency to determine the appropriate probable sales or rental amounts used on the other exhibits. The proper payment to be paid is the lesser of either comparable prices and rentals, or actual prices and rentals. Alternative method would be by schedule method. (Department of the Interior Regulations 41 CFR 114-50.903 and 41 CFR 114-50.802-1.)

Exhibit 7:

This form is a certification by the acquiring agency as to the adequacy of the replacement housing.

Exhibit 8:

This form is useful for complying with the Department of the Interior informational requirements. This form should be completed at the time of contact by the relocation agent and serves to demonstrate that the information brochure was received by the occupant. It also furnishes basic information helpful in determining claims. This form and Exhibit 9 relate to the notification requirements.

Exhibit 9:

The form would be useful for notification of owners and tenants in accordance with Department of the Interior regulations. Page 1 applies to all occupants. The proper page 2 depends upon the status of the occupant. Page 2A is for a tenant who has been in occupancy for at least 90 days prior to the offer to the owner. Page 2B is for an owner/occupant who has occupied the property for more than 180 days preceding the offer. Page 2C is for an owner/occupant of more than 90 days but less than 180.

If the dollar amounts on the form are uncertain at the time of notification, suitable language may be inserted in place of specified amounts such as "up to \$4,000," or whatever is appropriate.

Please remember these forms are to assist you. If you find them unworkable or not as appropriate as the forms you are in the habit of using, you may substitute your own forms so long as they comply with the law and the regulations.

Most importantly, make sure your acquisition and relocation agents have copies of these instructions. Contact the office for blank forms as needed. Contact the office land agent for assistance.



**CLAIM FOR PAYMENT OF MOVING COSTS AND RELATED EXPENSES - FAMILIES AND INDIVIDUALS (Under Sec. 202 of P.L. 91-646)**

**IMPORTANT**  
Read instructions on reverse.

OMB APPROVAL NO.  
42-R1755

**NOTE:** No payment of moving and related expenses may be made unless a properly executed claim form has been received (42 USC 4622).

**SECTION I - TO BE COMPLETED BY AGENCY**

1. AGENCY NAME AND ADDRESS (Include ZIP code)	2. PROJECT NAME AND NO.	3. IDENTIFICATION NO. (Parcel, tract, etc.)
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**SECTION II - TO BE COMPLETED BY CLAIMANT(S)**

4A. NAME(S) OF CLAIMANT(S)	4B. PRESENT MAILING ADDRESS(ES) OF CLAIMANT(S) (Include ZIP code)	4C. TELEPHONE NO.(S)
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5. HAVE ALL MEMBERS OF THE HOUSEHOLD MOVED TOGETHER TO A REPLACEMENT DWELLING  (A) YES  (B) NO (If "NO" checked, complete item 12 on reverse)

DWELLING	ADDRESS (Include ZIP code) (a)	NO. OF ROOMS OCCUPIED* (b)	WAS IT FURNISHED WITH YOUR OWN FURNITURE? (c)	DATE YOU MOVED FROM DWELLING (d)
6. AGENCY ACQUIRED (From which you moved)	<input type="checkbox"/> PERMANENT OR <input type="checkbox"/> SEASONAL RESIDENCE		<input type="checkbox"/> YES <input type="checkbox"/> NO	
7. REPLACEMENT (To which you moved)	*Excluding bathrooms, hallways and closets.			

8. TYPE OF PAYMENT  (A) FIXED PAYMENT  (B) REIMBURSEMENT FOR ACTUAL MOVING EXPENSES (Including storage costs, if applicable)  (C) SUPPLEMENTARY CLAIM FOR REIMBURSEMENT OF STORAGE COSTS (Complete item 11)

**9. COMPUTATION OF AMOUNT OF PAYMENT (Complete item 9A or 9B)**

ITEM	9A. FIXED PAYMENT CLAIM		9B. ACTUAL MOVING EXPENSES CLAIM	
	FOR AGENCY USE ONLY	AMOUNT CLAIMED	AMOUNT CLAIMED	FOR AGENCY USE ONLY
(1) MOVING ALLOWANCE (Consult Agency for amount)	\$			
(2) DISLOCATION ALLOWANCE				
(3) MOVING COST		\$	\$	
(4) TRANSPORTATION COSTS - FAMILIES AND INDIVIDUALS (If any)				
(5) COST OF INSURANCE COVERING MOVE AND/OR STORAGE				
(6) STORAGE COST (Complete item 12, below)				
(7) OTHER (Explain on additional sheet)				
(8) TOTAL AMOUNT OF CLAIM			(Sum of lines (3) thru (7))	
(9) AMOUNT OF ADVANCE MOVING PAYMENT(S) RECEIVED (If any)				
(10) AMOUNT REQUESTED HEREWITH (Line (8) minus (9))	\$	\$	\$	\$

10. METHOD OF PAYMENT (Check one) (Complete only if claim is for actual moving expense)

- A. I (We) have paid the moving expenses and/or moving and storage expenses as evidenced by the attached itemized receipt(s) or bill(s) from the mover and/or storage company or other contractors, and I (we) therefore request reimbursement.
- B. I (We) have not paid the moving expenses and/or moving and storage expenses, and I (we) therefore request that the attached itemized moving and storage bill(s) be paid directly to the mover and/or storage company or other contractors, in accordance with arrangements made in advance, and with my (our) consent, between the agency and the mover and/or storage company or other contractors.
- C. I (We) hereby request and authorize the moving and/or moving and storage expenses, to be incurred by me (us), be paid directly to the mover and/or storage company or other contractors, in accordance with the arrangements made at this time, and with my (our) consent, between the agency and the mover and/or storage company or other contractors.

**11. STATEMENT OF CLAIM FOR STORAGE COSTS (Complete only if personal property was moved to or from storage)**

11A. TYPE OF CLAIM (Check one)

(1) INITIAL  (2) SUPPLEMENTARY  (3) FINAL

11B. STORAGE PERIOD	(1) TOTAL PERIOD (Moe.)	(2) PERIOD IS <input type="checkbox"/> ACTUAL <input type="checkbox"/> ESTIMATED	(3) DATE PROPERTY WAS MOVED	TO STORAGE	FROM STORAGE
11C. STORAGE COSTS	(1) MONTHLY RATE \$	(2) TOTAL COSTS ACTUALLY INCURRED \$	(3) AMOUNT PREVIOUSLY RECEIVED \$	(4) AMOUNT CLAIMED HEREWITH (Item (2) minus item (3)) \$	

SECTION II - CONTINUED (To be completed by claimant(s))

13. NAMES AND ADDRESSES OF HOUSEHOLD MEMBERS MOVED TO SEPARATE REPLACEMENT DWELLINGS (Complete only if you have checked item 5(B) above)	12A.	RELATIONSHIP	AGE
	12B.		
	12C.		
	12D.		
	12E.		
	12F.		

13. CERTIFICATION BY CLAIMANT(S)

I (We) CERTIFY under the penalties and provisions of U.S.C. Title 18, Sections 286, 287, and 1001, and any other applicable law, that this claim and information submitted herewith have been examined by me (us) and are true, correct, and complete. I (We) further certify that I (we) have not submitted any other claim for, or received, reimbursement or compensation from any other source for any item of this claim, and that any receipts submitted herewith accurately reflect costs actually incurred.

I (We) further certify that my (our) choice of type of payment was made on the basis of a full explanation by the displacing agency representative of the difference between the types of payments available.

13A. SIGNATURE	13B. DATE	13C. SIGNATURE	13D. DATE

**PENALTY FOR FALSE OR FRAUDULENT STATEMENT.** U.S.C. Title 18, 1001, provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies ... or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

SECTION III - TO BE COMPLETED BY AGENCY

PAYMENT ACTION	AMOUNT OF PAYMENT	SIGNATURE	TITLE	DATE
14. RECOMMENDED	14A.	14B.	14C.	14D.
15. APPROVED	15A.	15B.	15C.	15D.

Public Law 91-446, 44 Stat. 1894, authorizes the solicitation of the information on this form for the principal purpose of determining eligibility and entitlement of the claimant for relocation benefits. The information may also be provided to Federal, State, and local agencies for civil or criminal law enforcement investigations. Failure to provide the requested data may preclude the processing of your claim.

**INSTRUCTIONS.** This claim form is for the use of families and individuals in applying for payment of moving and related expenses. You may apply for either (1) a "fixed payment" which includes a "dislocation allowance", or (2) an amount to cover the actual moving and related expenses incurred. The displacing agency relocation representative will explain the differences between the two types of payments and, if you wish, will help you complete this form. If your claim is not approved or an adjustment is made in the amount claimed, the displacing agency will provide you with a written explanation of the reason and the steps that you may take to have your claim reviewed in accordance with grievance procedures established under regulations of the Department of the Interior.

**TO APPLY FOR A FIXED PAYMENT:** Complete items 4 through 9, 9A and 13.

**TO APPLY FOR A PAYMENT OF ACTUAL EXPENSES:** Complete items 4 through 9, 9B, 10, 13, and if applicable, items 11 and 12.

A claim for actual expenses must be supported by receipts, vouchers, or similar evidence, attached hereto.

MOVING AND RELATED EXPENSES

ALLOWABLE MOVING EXPENSES

- Transportation of individuals, families, and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the displacing agency determines that relocation beyond this 50-mile area is justified.
- Packing and unpacking, crating and uncrating of personal property.
- Storage of personal property for a period generally not to exceed twelve months when determined necessary by displacing agency.
- Insurance premiums for loss to and damage of personal property.
- Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent or employees), in the process of moving, where insurance to cover such loss or damage is not available.
- Necessary charges for the removal and hookup of appliances, equipment and other items, not acquired as real property.

NONALLOWABLE MOVING EXPENSES

- Additional expense incurred because of living in a new location.
- Cost of moving structures or other improvements in which the displaced person reserved ownership.
- Improvements to the replacement site, except when required by law.
- Interest on loans to cover moving expenses.
- Personal injury.
- Cost preparing the claim for moving and related expenses.
- Payment for search cost in connection with locating a replacement dwelling.

**CLAIM FOR PAYMENT OF MOVING COSTS AND RELATED EXPENSES -  
BUSINESSES (Including nonprofit organizations) AND FARM  
OPERATIONS (Under Sec. 202, P.L. 91-646)**
**IMPORTANT**  
Read instructions on reverse.

**OMB APPROVAL NO.**  
42-R1755

**NOTE:** No payment of moving and related expenses may be made unless a properly executed claim form has been received (42 USC 4622).

**SECTION I - TO BE COMPLETED BY AGENCY**

1. AGENCY NAME AND ADDRESS (Include ZIP code)	2. PROJECT NAME AND NO.	3. IDENTIFICATION NO. (Parcel, etc.)
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**SECTION II - TO BE COMPLETED BY CLAIMANT(S)**

4A. NAME(S) OF CLAIMANT(S)	4B. PRESENT MAILING ADDRESS(ES) OF CLAIMANT(S) (Include ZIP code)	4C. TELEPHONE NO. (S)
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**5. PERSON FILING CLAIM FOR CONCERN**

5A. NAME AND TITLE (Type or print)	5B. PRESENT MAILING ADDRESS (Include ZIP code)	5C. TELEPHONE NO.
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5D. TYPE OF CONCERN ("X" one)	<input type="checkbox"/> (1) BUSINESS	<input type="checkbox"/> (2) FARM OPERATION	<input type="checkbox"/> (3) NONPROFIT ORGANIZATION
5E. TYPE OF OWNERSHIP ("X" one)	<input type="checkbox"/> (1) SOLE PROPRIETORSHIP	<input type="checkbox"/> (2) CORPORATION	<input type="checkbox"/> (3) PARTNERSHIP <input type="checkbox"/> (4) NONPROFIT ORGANIZATION

PROPERTY	LOCATION OR ADDRESS (Include ZIP code)	DATE VACATED
6. AGENCY ACQUIRED (From which you moved)	6A.	6B.
7. REPLACEMENT (To which you moved)	7A.	

8. TYPE OF PAYMENT	<input type="checkbox"/> (A) ACTUAL EXPENSES <input type="checkbox"/> (B) IN LIEU PAYMENT	9. TYPE OF CLAIM	<input type="checkbox"/> (A) INITIAL <input type="checkbox"/> (B) SUPPLEMENTARY <input type="checkbox"/> (C) FINAL
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**10. MOVING AND RELATED EXPENSES - ACTUAL COST BASIS**

11. A TYPE OF MOVE ("X" one)	<input type="checkbox"/> (1) SELF <input type="checkbox"/> (2) COMMERCIAL <input type="checkbox"/> (3) SELF AND COMMERCIAL	
ITEM	AMOUNT CLAIMED	FOR AGENCY USE ONLY
10B. MOVING (Attach completed Schedule A)	\$	\$
10C. STORAGE (Must be approved in advance by agency) (Attach completed schedule A)		
10D. ACTUAL DIRECT LOSSES OF PROPERTY (Attach completed Schedule B)		
10E. REASONABLE SEARCH (Attach completed Schedule C)		
10F. TOTAL (Sum of lines 10B thru 10E)		
10G. AMOUNT PREVIOUSLY RECEIVED FOR MOVING EXPENSES		
10H. AMOUNT DUE UNDER THIS CLAIM (Line 10F minus 10G)		\$
11. CLAIM FOR PAYMENT IN LIEU OF ACTUAL MOVING AND RELATED EXPENSES	\$	

12. PERSON(S) TO WHOM PAYMENTS ARE TO BE MADE	12A. NAME AND ADDRESS (Include ZIP code)
	12B. NAME AND ADDRESS (Include ZIP code)

**13. CERTIFICATION BY CLAIMANT(S)**

I (We) CERTIFY under the penalties and provisions of U.S.C. Title 18, Sections 286, 287, and 1001, and any other applicable law, that this claim and information submitted herewith have been examined by me (us) and are true, correct, and complete. I (We) further certify that I (we) have not submitted any other claim for, or received, reimbursement or compensation from any other source for any item of this claim, and that any receipts submitted herewith accurately reflect costs actually incurred.

I (We) further certify that the choice of type of payment was made on the basis of a full explanation by the displacing agency relocation representative of the differences between the two types of payments available and the eligibility requirements for each.

SIGNATURE OF CLAIMANT OR CLAIMANT'S AGENT	NAME AND TITLE (Type or print)	DATE
13A.	13B.	13C.
13D.	13E.	13F.

**PENALTY FOR FALSE OR FRAUDULENT STATEMENT.** U.S.C. Title 18, 1001, provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies ... or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

**SECTION III - TO BE COMPLETED BY AGENCY**

PAYMENT ACTION	AMOUNT OF PAYMENT	SIGNATURE	TITLE	DATE
14. RECOMMENDED	14A. \$	14B.	14C.	14D.
16. APPROVED	16A.	16B.	16C.	16D.

Public Law 91-646, 84 Stat. 1894, authorizes the solicitation of the information on this form for the principal purpose of determining eligibility and entitlement of the claimant for relocation benefits. The information may also be provided to Federal, State, and local agencies for civil or criminal law enforcement investigations. Failure to provide the requested data may preclude the processing of your claim.

**INSTRUCTIONS** - This claim form is for use in applying for a relocation payment for moving and related expenses of a business concern, nonprofit organization, or farm operation. (Unless otherwise indicated on this form, the term "claimant" includes business concerns, nonprofit organizations, and farm operations.) You may apply for either (1) a payment for actual moving and related expenses, or (2) a payment in lieu of actual moving and related expenses. The displacing agency relocation representative will explain the differences between the two types of payments and the eligibility requirements that apply. If you wish, the agency representative will help you complete this form and the applicable schedules. If your claim is not approved or an adjustment is made in the amount claimed, the local agency will provide you with a written explanation of the reason and the steps that you may take to have your claim reviewed in accordance with grievance procedures established under regulations of the Department of the Interior.

TO APPLY FOR A PAYMENT, complete Section I, and the applicable schedule(s).

#### A. ALLOWABLE MOVING EXPENSES

1. Packing, and unpacking, crating and uncrating of property.
2. Advertising for packing, crating, and transportation when the displacing agency determines that is necessary.
3. Storage of personal property for a period generally not to exceed twelve months when determined necessary by displacing agency.
4. Insurance premiums for loss to and damage of personal property.
5. Removal and reinstallation of machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personal and that the displacing agency is released from any payment for the property.
6. Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent or employees), in the process of moving, where insurance to cover such loss or damage is not available.

#### B. ALLOWABLE EXPENSES IN SEARCHING FOR REPLACEMENT BUSINESS OR FARM

1. Actual travel costs.
2. Extra costs for meals and lodging.
3. Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed \$10 per hour.
4. Necessary broker, real estate or other professional fees to locate a replacement business or farm operation, subject to prior approval of displacing agency.

#### C. NONALLOWABLE MOVING EXPENSES

1. Additional expenses incurred because of living in a new location.
2. Cost of moving structures or other improvements in which the displaced person reserved ownership.
3. Improvements to the replacement site, except when required by law.
4. Interest on loan to cover moving expenses.
5. Loss of good will.
6. Loss of profits.
7. Loss of trained employees.
8. Personal injury.
9. Cost of preparing the claim for moving and related expenses.

**SCHEDULE A - STATEMENT OF CLAIM FOR MOVING AND RELATED EXPENSES, INCLUDING STORAGE-BUSINESSES AND FARM OPERATIONS**

IDENTIFICATION NO. (Parcel, tract, etc.)

**INSTRUCTIONS** - Complete this Schedule if your claim includes an amount for moving expenses and/or storage costs. Attach receipt(s) or unpaid invoice(s) and/or other supporting documentation as applicable. If claim includes an amount for storage costs, complete the reverse side for description of property stored.

NAME(S) OF CLAIMANT(S)

**SECTION I - MOVING EXPENSES - SUPPORTING DATA**

WORK AND/OR SERVICES PERFORMED	IDENTIFICATION OF MOVER AND/OR OTHER CONTRACTORS		AMOUNT CLAIMED (b)	FOR AGENCY USE ONLY AMOUNT APPROVED (c)
	NAME AND ADDRESS (Include ZIP code) (a)			
1. MOVING			\$	\$
2. ELECTRICAL				
3. MECHANICAL				
4. PLUMBING				
5. CARPENTRY				
6. SITE IMPROVEMENTS REQUIRED BY LAW				
7. OTHER (List)				

(Enter the amount shown in Line 7(c) in Line 10B of Section II of the claim form)

TOTAL \$ \$

**SECTION II - STORAGE COSTS - SUPPORTING DATA**

8. NAME AND ADDRESS OF STORAGE COMPANY (Include ZIP code)

9. STORAGE PERIOD	9A. TOTAL PERIOD (Months)		9B. PERIOD ("X" one)		9C. DATE PROPERTY WAS MOVED	
			<input type="checkbox"/> (1) ACTUAL <input type="checkbox"/> (2) ESTIMATED (If this is not a final claim)		(1) TO STORAGE	(2) FROM STORAGE
10. STORAGE COSTS	ITEM	10A. MONTHLY RATE	10B. TOTAL COSTS ACTUALLY INCURRED	10C. AMOUNT PREVIOUSLY RECEIVED	10D. AMOUNT CLAIMED HEREWITH (Item 10B minus 10C)	
	AMOUNT CLAIMED	(1) \$	(1) \$	(1) \$	(1) \$	
	For Agency Use Only AMT. APPROVED	(2) \$	(2) \$	(2) \$	(2) \$	

\*Enter the amount shown in 10D(1) in Line 10C of the claim form.

REMARKS:

**SCHEDULE A - SECTION III - STORAGE COSTS - SUPPORTING DATA (Continued)**

14. **DESCRIPTION OF PROPERTY STORED** (List each major item separately or attach storage company invoice. If this is a supplementary or final claim for storage costs and there has been no change in the number of items stored, reference may be made to the description previously submitted. Attach additional sheets as necessary.)

<b>SCHEDULE B: STATEMENT OF CLAIM FOR ACTUAL DIRECT LOSSES OF PERSONAL PROPERTY - BUSINESSES AND FARM OPERATIONS</b>	<b>NAME(S) OF CLAIMANT(S)</b>		<b>IDENTIFICATION NO. (Parcel, tract, etc.)</b>			
<b>DESCRIPTION OF PROPERTY</b> <i>(List each item separately)</i> (a)	<b>JUSTIFICATION FOR AMOUNT CLAIMED</b> <i>(Explain fully, referring to any attached statements)</i> (b)	<b>FAIR MARKET VALUE FOR CONTINUED USE AT PRESENT LOCATION</b> (c)	<b>NET PROCEEDS FROM SALE</b> (d)	<b>VALUE NOT RECOVERED BY SALE</b> <i>(Col. c minus Col. d)</i> (e)	<b>FOR AGENCY USE ONLY</b> <b>AMOUNT APPROVED*</b> (f)	
<b>CLAIMANT'S RELEASE OF PERSONAL PROPERTY</b> I (We) hereby release to the displacing agency ownership and title to all personal property remaining on the acquired site, for which the claimant has received or will receive a payment for direct loss of property.						
<b>OWNER'S OR AUTHORIZED AGENT</b> SIGNATURE _____ DATE _____	<b>1. TOTAL</b> \$ _____					
SIGNATURE _____ DATE _____	<b>2. COST OF SALE</b> \$ _____					
<b>3. ESTIMATED COST OF MOVING PROPERTY (To be entered by agency)</b>						
<b>4. AMOUNT CLAIMED (f(c) plus 2(e) not to exceed 3(f))</b> <i>(Enter the amount shown in 4(f) in Line 10D of Section II of page 1)</i>						
\$ _____						

\*This amount not to exceed the reasonable expenses that would have been required to relocate such property.





**SCHEDULE C - STATEMENT OF CLAIM FOR ACTUAL REASONABLE SEARCHING EXPENSES -  
BUSINESSES AND FARM OPERATIONS**

**INSTRUCTIONS**

Complete this Schedule if your claim includes an amount for expenses incurred in searching for a replacement location. Consult the displacing agency to ascertain maximum amounts that apply to the total allowable amount for searching expenses and to certain components listed in Section I below.

**NOTE:** Unless the agency determines that an additional amount is reasonable and necessary, reimbursement for search expense is limited to \$500.00

NAMES OF CLAIMANTS	IDENTIFICATION NO. (Parcel, tract, etc.)
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**SECTION I - DETERMINATION OF AMOUNT OF SEARCHING EXPENSES**

		AMOUNT CLAIMED (a)	FOR AGENCY USE ONLY AMOUNT APPROVED (b)																		
1. SEARCHING TIME ▶	<table style="border: none;"> <tr> <td style="border: 1px solid black; border-radius: 15px; padding: 2px 10px;">NUMBER OF HOURS</td> <td style="padding: 0 10px;">X</td> <td style="border: 1px solid black; border-radius: 15px; padding: 2px 10px;">RATE PER HOUR<sup>1</sup></td> <td style="padding: 0 10px;">=</td> <td style="border-bottom: 1px solid black; width: 100px;"></td> <td style="border-bottom: 1px solid black; width: 100px;"></td> </tr> <tr> <td style="border: none;"></td> <td style="padding: 0 10px;">X</td> <td style="border: 1px solid black; border-radius: 15px; padding: 2px 10px;">RATE PER MILE<sup>2</sup></td> <td style="padding: 0 10px;">=</td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td style="border: none;"></td> <td style="padding: 0 10px;">X</td> <td style="border: 1px solid black; border-radius: 15px; padding: 2px 10px;">PER NIGHT</td> <td style="padding: 0 10px;">=</td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>	NUMBER OF HOURS	X	RATE PER HOUR <sup>1</sup>	=				X	RATE PER MILE <sup>2</sup>	=				X	PER NIGHT	=			\$	\$
NUMBER OF HOURS	X	RATE PER HOUR <sup>1</sup>	=																		
	X	RATE PER MILE <sup>2</sup>	=																		
	X	PER NIGHT	=																		
2. TRANSPORTATION ▶	<table style="border: none;"> <tr> <td style="border: 1px solid black; border-radius: 15px; padding: 2px 10px;">NUMBER OF MILES</td> <td style="padding: 0 10px;">X</td> <td style="border: 1px solid black; border-radius: 15px; padding: 2px 10px;">RATE PER MILE<sup>2</sup></td> <td style="padding: 0 10px;">=</td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td style="border: none;"></td> <td style="padding: 0 10px;">X</td> <td style="border: 1px solid black; border-radius: 15px; padding: 2px 10px;">PER NIGHT</td> <td style="padding: 0 10px;">=</td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>	NUMBER OF MILES	X	RATE PER MILE <sup>2</sup>	=				X	PER NIGHT	=			\$	\$						
NUMBER OF MILES	X	RATE PER MILE <sup>2</sup>	=																		
	X	PER NIGHT	=																		
3. LODGING ▶	<table style="border: none;"> <tr> <td style="border: 1px solid black; border-radius: 15px; padding: 2px 10px;">NUMBER OF NIGHTS</td> <td style="padding: 0 10px;">X</td> <td style="border: 1px solid black; border-radius: 15px; padding: 2px 10px;">PER NIGHT</td> <td style="padding: 0 10px;">=</td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>	NUMBER OF NIGHTS	X	PER NIGHT	=			\$	\$												
NUMBER OF NIGHTS	X	PER NIGHT	=																		
4. COST OF MEALS ▶	.....	\$	\$																		
5. FEES PAID TO REAL ESTATE BROKER OR AGENT <sup>3</sup> .....		\$	\$																		
6. OTHER EXPENSES (Specify and attach receipts)		\$	\$																		
7. TOTAL SEARCHING EXPENSES (Sum of Lines 1 thru 6)		\$	\$																		

<sup>1</sup> Compensable at hourly rate of salary or earnings, but not to exceed \$10.00 per hour.

<sup>2</sup> To be completed in advance by agency.

<sup>3</sup> Attach contract or other evidence.

<sup>4</sup> (Enter the amount shown in Line 7(a) in Line 7(a) on Line 10E, Section II of Form DI-380a.

**SECTION II - ITINERARY (Dates, places, mode of transportation, etc.)**



**SCHEDULE D: STATEMENT OF CLAIM FOR PAYMENT IN LIEU OF ACTUAL MOVING AND RELATED EXPENSES - BUSINESSES AND FARM OPERATIONS**

IDENTIFICATION NO. (Parcel, tract, etc.)

An eligible displaced business or farm operation may elect to apply for a fixed payment in lieu of all the payments described in Schedules A, B, and C, provided that in the case of a business, the agency determines that (1) the business cannot be relocated without a substantial loss of existing patronage and (2) the business is not a part of a commercial enterprise having at least one other establishment not being acquired and engaged in a similar business, and (3) the business had average annual gross receipts of at least \$2,000 in value, or alternatively had average annual net earnings of at least \$1,000 in value, or alternatively contributed at least 33 1/3 percent of the average gross annual income of the owner(s) from all sources, including welfare. If a business or farm operation has no net earnings, or has suffered losses during the period used to compute "Average Annual Net Earnings" it may nevertheless receive the \$2,500 minimum payment. (See FMC 74-8.4.5)

1. NAME(S) OF CLAIMANT(S)

2. NAME(S) USED ON INCOME TAX RETURN(S) OR OTHER ACCEPTABLE PROOF OF INCOME

2A. EMPLOYER IDENTIFICATION NUMBER(S) SHOWN ON TAX RETURN(S) (If returns used as proof of income)

2B. PRINCIPAL BUSINESS ACTIVITY

3. NAME AND ADDRESS OF OTHER ESTABLISHMENTS OPERATED BY OR AFFILIATED WITH THE BUSINESS (Not applicable to farm operations) (If "None", state "NONE")

(A) NAME	(B) ADDRESS (Include ZIP code)	(C) TYPE OF BUSINESS OR ACTIVITY
(1)	(1)	(1)
(2)	(2)	(2)
(3)	(3)	(3)

4. TAX RETURNS FILED WITH DISTRICT DIRECTOR OF INTERNAL REVENUE IN (If applicable)

(A) YEAR	(B) CITY	(C) STATE	(D) YEAR	(E) CITY	(F) STATE
19			19		

5. LISTING OF ATTACHMENTS SUPPORTING THIS PAYMENT (Include statement as to why business cannot be relocated without substantial loss of patronage)

**SCHEDULE D - STATEMENT OF CLAIM FOR PAYMENT IN LIEU OF ACTUAL MOVING AND RELATED EXPENSES-BUSINESSES AND FARM OPERATIONS (Continued)**

NAME(S) OF CLAIMANT(S)	IDENTIFICATION NO. (Parcel, tract, etc.)
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ITEM	19 (a)	19 (b)	AVERAGE (c)	FOR AGENCY USE ONLY (d)	REMARKS (e)
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**TABLE I - INDIVIDUAL OR SOLE PROPRIETOR**

<b>1. GROSS RECEIPTS, OR GROSS SALES, LESS RETURNS AND ALLOWANCES</b>	\$	\$	\$	\$	
<b>2. GROSS PROFIT</b>					
<b>3. NET PROFIT (or Loss)<sup>1</sup></b>					
<b>4. SALARIES AND WAGES PAID TO MEMBERS OF OWNER'S FAMILY WHO ARE MEMBERS OF OWNER'S HOUSEHOLD (List names below and amounts to each)</b>	X	X	X	X	X
<b>8. NET EARNINGS (Sum of Lines 3 and 4)</b>	\$	\$	\$	\$	

**TABLE II - CORPORATION**

<b>6. GROSS RECEIPTS OR GROSS SALES, LESS RETURNS AND ALLOWANCES</b>	\$	\$	\$	\$	
<b>7. GROSS PROFIT</b>					
<b>8. NET PROFIT (or Loss)</b>					
<b>9. SALARIES AND WAGES PAID TO MEMBERS OF PRINCIPAL STOCKHOLDER'S FAMILY WHO ARE MEMBERS OF HIS HOUSEHOLD (List names below and amounts to each)<sup>2</sup></b>	X	X	X	X	X
<b>10. NET EARNINGS (Sum of Lines 8 and 9)</b>	\$	\$	\$	\$	

**TABLE III - PARTNERSHIP**

<b>11. GROSS RECEIPTS OR GROSS SALES, LESS RETURNS AND ALLOWANCES</b>	\$	\$	\$	\$	
<b>12. TOTAL INCOME</b>					
<b>13. ORDINARY INCOME (or Loss)</b>					
<b>14. COMPENSATION OF PRINCIPAL PARTNERS<sup>3</sup></b>					
<b>15. SALARIES AND WAGES PAID TO MEMBERS OF PRINCIPAL PARTNER'S FAMILY WHO ARE MEMBERS OF PRINCIPAL PARTNER'S IMMEDIATE HOUSEHOLD (List names below and amounts to each)<sup>3</sup></b>	X	X	X	X	X
<b>16. NET EARNINGS (Sum of Lines 13 thru 15)</b>	\$	\$	\$	\$	

<sup>1</sup> No deductions should be made for any compensation paid to owner.  
<sup>2</sup> Principal stockholder is one who owns 1% or more of the corporation.  
<sup>3</sup> A principal partner is one with a proprietary interest of 1% or more in the concern.

**CLAIM FOR PAYMENT OF REPLACEMENT HOUSING PAYMENT--  
HOMEOWNERS (Under Sec. 203, P.L. 91-646)**

**IMPORTANT**  
Read Instructions on reverse.

OMB APPROVAL NO.  
42-R1755

**NOTE:** No replacement housing payment may be made unless a properly executed claim form has been received (42 USC 4622).

**SECTION I - TO BE COMPLETED BY AGENCY**

1. AGENCY NAME AND ADDRESS (Include ZIP code)	2. PROJECT NAME AND NO.	3. IDENTIFICATION NO. (Parcel, tract, etc.)
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**SECTION II - TO BE COMPLETED BY CLAIMANT(S)**

4A. NAME(S) OF CLAIMANT(S)	4B. PRESENT MAILING ADDRESS(ES) OF CLAIMANT(S) (Include ZIP code)	4C. TELEPHONE NO.
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5. HAVE ALL MEMBERS OF THE HOUSEHOLD MOVED TOGETHER TO A REPLACEMENT DWELLING?  (A) YES  (B) NO (If "NO" checked, complete item 10 below)

DWELLING	ADDRESS (Include ZIP code)	DATE THAT YOU		
		PURCHASED	OCCUPIED	MOVED FROM DWELLING
6. AGENCY ACQUIRED (From which you moved)	6A.	6B.	6C.	6D.
7. REPLACEMENT (To which you moved)	7A.	7B.		7C.

8A. AT THE TIME YOU RECEIVED THE WRITTEN OFFER TO PURCHASE THE DWELLING SHOWN IN ITEM 6 ABOVE, WAS THE DWELLING OWNED AND OCCUPIED BY YOU FOR 180 CONSECUTIVE DAYS IMMEDIATELY PRIOR THERETO AS YOUR PERMANENT RESIDENCE?  (1) YES  (2) NO

8B. AT THE TIME OF AGENCY ACQUISITION, WAS THE DWELLING SHOWN IN ITEM 6 ABOVE OCCUPIED AS YOUR PERMANENT RESIDENCE?  (1) YES  (2) NO

**9. COMPUTATION OF AMOUNT OF PAYMENT**

ITEM		FOR AGENCY USE ONLY	ITEM	AMOUNT CLAIMED	FOR AGENCY USE ONLY
9A. PRICE OF A COMPARABLE DWELLING		\$	9F. AMOUNT OF INCIDENTAL EXPENSES (See Item 9J below).	\$	\$
9B. PRICE PAID FOR REPLACEMENT DWELLING			9G. TOTAL AMOUNT OF REPLACEMENT HOUSING PAYMENT		
9C. PRICE AGENCY PAID FOR ACQUIRED DWELLING			9H. AMOUNT OF RENTAL ASSISTANCE PAYMENT PREVIOUSLY RECEIVED <input type="checkbox"/> ; OR REPLACEMENT HOUSING PAYMENT ADVANCED <input type="checkbox"/>		
9D. DWELLING PAYMENT (Line 9A minus 9C) or (Line 9B minus 9C) whichever amount is less			9I. AMOUNT DUE UNDER THIS CLAIM (Line 9G minus 9H)		\$
9E. MORTGAGE INTEREST COST		\$			

**9J. INCIDENTAL EXPENSES**

ITEM	AMOUNT CLAIMED	FOR AGENCY USE ONLY	ITEM	AMOUNT CLAIMED	FOR AGENCY USE ONLY
(1) LEGAL COSTS	\$	\$	(10) ESCROW FEE	\$	\$
(2) TITLE SEARCH FEE			(11) TRANSFER TAXES		
(3) NOTARY FEE			(12) OTHER (Explain)		
(4) SURVEY COSTS					
(5) RECORDING FEES					
(6) LENDER'S APPRAISAL FEE					
(7) FHA APPLICATION FEE					
(8) CERTIFICATION FEE					
(9) CREDIT REPORT FEE	\$	\$	(13) TOTAL (Sum of Lines 9J (1) thru 9J (12))		\$

10. NAMES AND ADDRESSES OF HOUSEHOLD MEMBERS MOVED TO SEPARATE REPLACEMENT DWELLINGS (Complete only if you have checked Item 5(B) above)	10A.		RELATIONSHIP	AGE
	10B.			
	10C.			
	10D.			
	10E.			

**II. CERTIFICATION BY CLAIMANT(S)**

I (We) CERTIFY under the penalties and provisions of U.S.C. Title 18, Sections 286, 287, and 1001, and any other applicable law, that this claim and information submitted herewith have been examined by me (us) and are true, correct, and complete. I (We) further certify that I (we) have not submitted any other claim for, or received, reimbursement or compensation from any other source for any item of this claim, and that any receipts submitted herewith accurately reflect costs actually incurred.

11A. SIGNATURE	11B. DATE	11C. SIGNATURE	11D. DATE
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**PENALTY FOR FALSE OR FRAUDULENT STATEMENT.** U.S.C. Title 18, 1001, provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies ... or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

REMARKS

12. Certification by Displacing Bureau: I certify that the above-named claimant's replacement dwelling located at \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_ was inspected on \_\_\_\_\_ by \_\_\_\_\_ and determined to be safe, decent, and sanitary.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Inspecting Official's Name and Title

**SECTION III - TO BE COMPLETED BY AGENCY**

PAYMENT ACTION	AMOUNT OF PAYMENT	SIGNATURE	TITLE	DATE
13. RECOMMENDED	13A.	13B.	13C.	13D.
14. APPROVED	14A.	14B.	14C.	14D.

Public Law 91-646, 84 Stat. 1894, authorizes the solicitation of the information on this form for the principal purpose of determining eligibility and entitlement of the claimant for relocation benefits. The information may also be provided to Federal, State, and local agencies for civil or criminal law enforcement investigations. Failure to provide the requested data may preclude the processing of your claim.

**INSTRUCTIONS** - Complete Section II of this form to apply for replacement housing payment for homeowners. The displacing agency relocation representative will help you complete the form, if you wish. If your claim is not approved or if you have any questions regarding the amount of the payment, the agency will provide you with a written explanation of the basis for the disapproval or for the amount, and the steps that you may take to have your claim reviewed in accordance with grievance procedures established under regulations of the Department of The Interior.

You are eligible for increased mortgage interest costs only if there was a bona fide mortgage(s) on the dwelling from which you were displaced for at least 180 days immediately prior to the initiation of negotiations to acquire the property.

To receive payment for incidental expenses on the replacement dwelling, enter the amounts paid for each item of expense in item 9 F above. Attach a copy of the closing statement and/or other documentation in support of the amount shown in item 9J above.

**COMPUTATION OF INTEREST PAYMENT  
REQUIRED INFORMATION**

1.	Outstanding balance of mortgage on acquired dwelling . . . . .	\$ _____
2.	Outstanding balance of mortgage on replacement dwelling . . . . .	\$ _____
3.	Lesser of Line 1 or Line 2 . . . . .	\$ _____
4.	Number of months remaining until last payment is due for mortgage on acquired dwelling . . . . .	_____
5.	Number of months remaining until last payment is due for mortgage on replacement dwelling . . . . .	_____
6.	Lesser of Line 4 or Line 5 . . . . .	_____
7.	Annual interest rate of mortgage on acquired dwelling . . . . .	_____ %
8.	Annual interest rate of mortgage on replacement dwelling (or, if it is lower, the prevailing annual interest rate currently charged by mortgage lending institutions in the general area in which the replacement dwelling is located) . . . . .	_____ %
9.	Mean annual interest rate paid on standard passbook savings accounts by commercial banks . . . . .	_____ %
10.	If applicable, any debt service costs on the loan on the replacement dwelling, such as points paid by the purchaser which are not reimbursable as an incidental expense . . . . .	\$ _____

**DEVELOPMENT OF MONTHLY PAYMENT FIGURES**

A.	Monthly payment required to amortize a loan of \$____ in ____ months at an annual interest rate of ____% . . . . .	\$ _____
	(line 3) (line 6) (line 7)	
B.	Monthly payment required to amortize a loan of \$____ in ____ months at an annual interest rate of ____% . . . . .	\$ _____
	(line 3) (line 6) (line 8)	
C.	Monthly payment required to amortize a loan of \$____ in ____ months at an annual interest rate of ____% . . . . .	\$ _____
	(line 3) (line 6) (line 9)	

**CALCULATION OF INTEREST PAYMENT**

**Step 1**

Subtract A from B	
Monthly payment based on rate for replacement dwelling (B) . . . . .	\$ _____
Monthly payment based on rate for acquired dwelling (A) . . . . .	\$ _____
Result (difference) . . . . .	\$ _____

**Step 2**

Divide result (difference) of Step 1 by C (Carry to 6 decimal places)	
Result (difference) from Step 1 . . . . .	\$ _____
Monthly payment based on savings rate (C) . . . . .	\$ _____
Result (quotient) . . . . .	_____

**Step 3**

Multiply outstanding balance of mortgage on acquired dwelling by result (quotient) of Step 2	
Outstanding balance (from Line 3) . . . . .	\$ _____
Result (quotient) of Step 2 . . . . .	X _____

**Step 4**

Add to result (product) of Step 3 any debt service costs on the loan on the replacement dwelling	\$ _____
Result (product) of Step 3, 1st mortgage . . . . .	\$ _____
1 Result (product) of Step 3, 2nd mortgage . . . . .	\$ _____
1 Sum or difference, as applicable . . . . .	\$ _____
Debt service costs on loan on replacement dwelling (Line 10) . . . . .	\$ _____
Amount of interest payment . . . . .	\$ _____

1 If there is more than one outstanding mortgage on an acquired dwelling, the discounted value of each mortgage must be determined. To do this, a separate computation is made for each mortgage through Step 3. A consolidated Step 4 is then completed.





**CLAIM FOR PAYMENT OF RENTAL REPLACEMENT HOUSING BENEFITS - TENANTS AND CERTAIN OTHERS (Under Sec. 204(1) P.L. 91-646)**

**IMPORTANT**  
Read Instructions on reverse.

OMB APPROVAL  
42-R1755

**NOTE:** No rental replacement housing payment may be made unless a properly executed claim form has been received (42 USC 4622).

**SECTION I - TO BE COMPLETED BY AGENCY**

1. AGENCY NAME AND ADDRESS (Include ZIP code)	2. PROJECT NAME AND NO.	3. IDENTIFICATION NO. (Parcel, tract, etc.)
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**SECTION II - TO BE COMPLETED BY CLAIMANT(S)**

4A. NAME(S) OF CLAIMANT(S)	4B. PRESENT MAILING ADDRESS(ES) OF CLAIMANT(S) (Include ZIP code)	4C. TELEPHONE NO. (5)
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5. HAVE ALL MEMBERS OF THE HOUSEHOLD MOVED TOGETHER TO A REPLACEMENT DWELLING?  (A) YES  (B) NO (If "NO" checked, complete item 11)

DWELLING	ADDRESS (Include ZIP code)	DATE THAT YOU		
		<input type="checkbox"/> PURCHASED <input type="checkbox"/> RENTED	OCCUPIED	MOVED FROM
6. AGENCY ACQUIRED (From which you moved)	6A.	6B.	6C.	6D.
7. REPLACEMENT (To which you moved)	7A.	7B.	7C.	

8. TYPE OF OCCUPANCY COVERED BY THIS CLAIM ("X" one)  (A) DWELLING UNIT TENANT  (B) SLEEPING ROOM TENANT  (C) HOMEOWNER OCCUPANT

**9. COMPUTATION OF AMOUNT OF PAYMENT**

ITEM	TOTAL RENT	CHECK <input checked="" type="checkbox"/> UTILITIES INCLUDED				FOR AGENCY USE ONLY (Base rent)
		ELECT	GAS	WATER	OTHER (list)	
9A. MONTHLY RENTAL REQUIRED TO OBTAIN A COMPARABLE REPLACEMENT DWELLING	\$					\$
9B. MONTHLY RENTAL PAID FOR REPLACEMENT DWEL.						
9C. MONTHLY RENTAL RATE OF DWELLING VACATED BY CLAIMANT						
9D. MONTHLY REPLACEMENT RENTAL COST (Line 9A minus 9C) OR (Line 9B minus 9C) WHICHEVER AMOUNT IS LESS						
9E. AMOUNT DUE UNDER THIS CLAIM (Line 9D multiplied by 48)						

10. REQUEST PAYMENT BE DISBURSED ("X" one if Item "10B" checked, complete item 10C and 10D)  (A) LUMP SUM  (B) INSTALLMENT

10C. FREQUENCY

10D. AMOUNT (Line 9E - 10C) \$

11. NAME AND ADDRESSES OF HOUSEHOLD MEMBERS MOVED TO SEPARATE REPLACEMENT DWELLINGS (Complete only if you have checked Item 5B above.)	RELATIONSHIP		AGE
	11A.		
	11B.		
	11C.		
	11D.		
	11E.		

**12. CERTIFICATION BY CLAIMANT(S)**

I (We) CERTIFY under the penalties and provisions of U.S.C. Title 18, Sections 286, 287, and 1001, and any other applicable law, that this claim and information submitted herewith have been examined by me (us) and are true, correct, and complete. I (We) further certify that I (we) have not submitted any other claim for, or received, reimbursement or compensation from any other source for any item of this claim, and that any receipts submitted herewith accurately reflect costs actually incurred.

I (We) further CERTIFY that my (our) choice of type of payment was made on the basis of a full explanation by the displacing agency relocation representative of the differences between the two types of payments available (rental assistance payment or down payment assistance), and the eligibility requirements for each. My (our) selection of method of payment, indicated in item 10 above, was made with a full understanding of the purpose and intent of the rental assistance payment.

12A. SIGNATURE	12B. DATE	12C. SIGNATURE	12D. DATE
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**PENALTY FOR FALSE OR FRAUDULENT STATEMENT.** U.S.C. Title 18, 1001, provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies ... or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

**SECTION III - TO BE COMPLETED BY AGENCY**

PAYMENT ACTION	AMT. OF PAYMENT	SIGNATURE	TITLE	DATE
13. RECOMMENDED	13A. \$	13B.	13C.	13D.
14. APPROVED	14A. \$	14B.	14C.	14D.

Public Law 91-646, 84 Stat. 1894, authorizes the solicitation of the information on this form for the principal purpose of determining eligibility and entitlement of the claimant for relocation benefits. The information may also be provided to Federal, State, and local agencies for civil or criminal law enforcement investigations. Failure to provide the requested data may preclude the processing of your claim.

**INSTRUCTIONS**

Complete Section II of this form to apply for a rental assistance payment. The displacing agency relocation representative will help you complete the form, if you wish. If your claim is not approved or if you have any question regarding the amount of the payment, the agency will provide you with a written explanation of the basis for disapproval or for the amount, and the steps that you may take to have your claim reviewed in accordance with grievance procedures established under regulations of the Department of the Interior.

15. Certification by Displacing Bureau: I certify that the above named claimant's replacement dwelling located at \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_ was inspected on \_\_\_\_\_ by \_\_\_\_\_ and determined to be safe, decent, and sanitary.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Inspecting Official's Name and Title

REMARKS:

**CLAIM FOR DOWNPAYMENT AND INCIDENTAL EXPENSES - TENANTS AND CERTAIN OTHERS (Under Sec. 204(2) P.L. 91-646)**

**IMPORTANT**  
Read Instructions on reverse.

OMB APPROVAL NO.  
42-R1755

**NOTE:** No downpayment and payment for incidental expenses may be made unless a properly executed claim form has been received (42 USC 4622).

**SECTION I - TO BE COMPLETED BY AGENCY**

1. AGENCY NAME AND ADDRESS (Include ZIP code)	2. PROJECT NAME AND NO.	3. IDENTIFICATION NO. (Parcel, tract, etc.)
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**SECTION II - TO BE COMPLETED BY CLAIMANT(S)**

4A. NAME(S) OF CLAIMANT(S)	4B. PRESENT MAILING ADDRESS(ES) OF CLAIMANT(S) (Include ZIP code)	4C. TELEPHONE NO
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5. HAVE ALL MEMBERS OF THE HOUSEHOLD MOVED TOGETHER TO A REPLACEMENT DWELLING?  (A) YES  (B) NO (If "NO" checked, complete Item 10) on the reverse side)

DWELLING	ADDRESS (Include ZIP code)	DATE THAT YOU		
		<input type="checkbox"/> PURCHASED <input type="checkbox"/> RENTED	OCCUPIED	MOVED FROM
6. AGENCY ACQUIRED (From which you moved)	6A.	6B.	6C.	6D.
7. REPLACEMENT (To which you moved)	7A.	7B.	7C.	

**8. COMPUTATION OF AMOUNT OF DOWNPAYMENT**

ITEM	AMOUNT CLAIMED	FOR AGENCY USE ONLY
8A. PRICE OF COMPARABLE DWELLING		\$
8B. PRICE PAID FOR REPLACEMENT DWELLING	\$	
8C. DOWNPAYMENT REQUIRED FOR CONVENTIONAL MORTGAGE ON COMPARABLE DWELLING		
8D. DOWNPAYMENT ACTUALLY PAID ON REPLACEMENT DWELLING		
8E. AMOUNT OF INCIDENTAL COSTS (Furnish details in item 8L, below)		
8F. TOTAL DOWNPAYMENT (Line 8C - 8E or line 8D + 8E) (whichever amount is less)		
8G. ONE HUNDRED PERCENT (100% of line 8F, not to exceed \$2,000)		
8H. FIFTY PERCENT (50%) OF DIFFERENCE BETWEEN LINE 8F AND 8G. NOT TO EXCEED \$2,000)		
8I. TOTAL OF LINES 8G AND 8H		\$
8J. RENTAL ASSISTANCE PAYMENT PREVIOUSLY RECEIVED (If any) <input type="checkbox"/> ; OR DOWNPAYMENT ADVANCED, (If any) <input type="checkbox"/>		
8K. AMOUNT DUE UNDER THIS CLAIM (Line 8I minus 8J)	\$	\$

**8L. EXPENSES INCIDENTAL TO PURCHASE**

ITEM	AMOUNT CLAIMED	FOR AGENCY USE ONLY
(1) LEGAL COSTS	\$	\$
(2) TITLE SEARCH FEE, POLICY OR ABSTRACT		
(3) NOTARY FEE		
(4) SURVEY COSTS		
(5) RECORDING FEES		
(6) LENDER'S APPRAISAL FEE		
(7) FHA APPLICATION FEE		
(8) CREDIT REPORT FEE		
(9) CERTIFICATION FEE		
(10) ESCROW FEE		
(11) TRANSFER TAXES		
(12) COSTS OF POINTS FOR MORTGAGE		
(13) LOAN ORIGINATOR FEE		
(14) OTHER (Explain)		
(15) TOTAL (Sum of Lines 8L(1) thru 8L(14)) (Enter "total of amount" on line 8E, above)	\$	\$

9. TYPE OF OCCUPANCY COVERED BY THIS CLAIM ("X" one)



- (A) DWELLING UNIT TENANT     (B) SLEEPING ROOM TENANT     (C) HOMEOWNER OCCUPANT

10. NAMES AND ADDRESSES OF HOUSEHOLD MEMBERS MOVED TO SEPARATE RE-PLACEMENT DWELLING (Complete only if you have checked item 5 above.)		RELATIONSHIP		AGE
10A.				
10B.				
10C.				
10D.				

11. REMARKS

11A. Certification by Displacing Agency: I certify that the above named claimant's replacement dwelling located at \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_, was inspected on \_\_\_\_\_ by \_\_\_\_\_, and determined to be safe, decent, and sanitary.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Inspecting Official's Name and Title

12. CERTIFICATION BY CLAIMANT(S)

I (We) CERTIFY under the penalties and provisions of U.S.C. Title 18, Sections 286, 297, and 1001, and any other applicable law, that this claim and information submitted herewith have been examined by me (us) and are true, correct, and complete. I (We) further certify that I (we) have not submitted any other claim for, or received, reimbursement or compensation from any other source for any item of this claim, and that any receipts submitted herewith accurately reflect costs actually incurred.

I (We) further certify that my (our) choice of type of payment was made on the basis of a full explanation by the displacing agency relocation representative of the differences between the two types of payment available (rental assistance payment or downpayment assistance) and the eligibility requirements for each.

12A. SIGNATURE	12B. DATE	12C. SIGNATURE	12D. DATE

**PENALTY FOR FALSE OR FRAUDULENT STATEMENT.** U.S.C. Title 18, 1001, provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies ... or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

SECTION III - TO BE COMPLETED BY AGENCY

PAYMENT ACTION	AMT. OF PAYMENT	SIGNATURE	TITLE	DATE
13. RECOMMENDED	13A. \$	13B.	13C.	13D.
14. APPROVED	14A. \$	14B.	14C.	14D.

Public Law 91-646, 84 Stat. 1894, authorizes the solicitation of the information on this form for the principal purpose of determining eligibility and entitlement of the claimant for relocation benefits. The information may also be provided to Federal, State, and local agencies for civil or criminal law enforcement investigations. Failure to provide the requested data may preclude the processing of your claim.

INSTRUCTIONS

Complete Section II of this form to apply for downpayment and incidental expenses assistance. The displacing agency relocation representative will help you complete the form, if you wish. If your claim is not approved or if you have any questions regarding the amount of the payment, the agency will provide you with a written explanation of the basis for the disapproval or for the amount, and the steps that you may take to have your claim reviewed in accordance with grievance procedures established under regulations of the Department of the Interior.

To receive payment for incidental expenses on the replacement dwelling, and/or the amounts paid for each item of expense in item 3L, above. Attach a copy of the closing statement and/or other documentation in support of the amounts shown in item 3L, above.

REPLACEMENT HOUSING VALUATION REPORT  
3 COMPARABLE METHOD

Date \_\_\_\_\_ Initial Report ( ) Revision ( )  
Owner \_\_\_\_\_

Address \_\_\_\_\_

Tenant \_\_\_\_\_ Apt. No. \_\_\_\_\_ Rm. Count \_\_\_\_\_ Bdrms-Subj. \_\_\_\_\_

Family Composition of: Owner( ) Tenant( ) Show Childrens' Ages \_\_\_\_\_

Male Adults	Female Adults	Male Children	Female Children	Bdrms-Required
_____	_____	_____	_____	_____

A. Computation of PURCHASE DIFFERENTIAL (and basis for downpayment)

Comp. No.	No. of Bedrooms	Probable Selling Price	(Appraisal)	(Settlement)
Subject		\$		
1.		\$		
2.		\$		
3.		\$		
Probable Selling Price of Replacement Dwelling			\$	_____
Residential Value, Subject Dwelling			- \$	_____
PURCHASE DIFFERENTIAL			= \$	_____

B. Computation of REPLACEMENT RENTAL

Comp. No.	No. of Bedrooms	Monthly Rent	(Actual)	(Economic)
Subject		\$		
1.		\$		
2.		\$		
3.		\$		
Probable Monthly Rent of Replacement Dwelling			\$	_____
Average, Last 3 Mos. Rent, or Econ. Rent, Subj.			- \$	_____
Monthly Rental Difference			\$	_____
RENTAL DIFFERENTIAL: 48 X Difference			= \$	_____

REMARKS: \_\_\_\_\_



Project No. \_\_\_\_\_

## REPLACEMENT HOUSING, REVIEW CERTIFICATION

<u>Displacee</u>	<u>Appraised Value or Actual or Economic Rent</u>	<u>Replacement Value or Rent</u>
------------------	---	--------------------------------------

The undersigned hereby certifies to the best of his knowledge based on review and analysis of the replacement valuation report that:

1. He is aware of the size and make-up of the displaced family and is familiar with the dwelling to be acquired;
2. The replacement value listed for each parcel accurately reflects the price for which the displacee can purchase or rent a comparable replacement dwelling which is:
  - a. Decent, safe and sanitary;
  - b. Functionally equivalent and substantially the same or better than the acquired dwelling with respect to 1) number of rooms; 2) area of living space; 3) type of construction; 4) age; and, 5) state of repair.
  - c. Open to all persons regardless of race, color, religion, sex or national origin;
  - d. Located in areas not generally less desirable than the dwelling to be acquired in regard to public utilities and public commercial facilities;
  - e. Reasonably accessible to the relocatee's place of employment;
  - f. Adequate for the size and make-up of the displaced family;
  - g. In an equal or better neighborhood;
  - h. Available on the market to the displaced person;
3. He has no direct or indirect, present or contemplated future personal interest in these transactions nor will any benefits be derived from the replacement payments.
4. The amount approved is not a directed amount. It was arrived at fairly, without coercion, and is based upon factual data.

---

 Dated

---

 Signed





CERTIFICATION OF OCCUPANCY AND RECEIPT OF RELOCATION INFORMATION

To: Relocation Advisor

I have received the Relocation Information Brochure

I will file my claim for any benefits due me in accordance with the instructions as set forth in the Brochure

Occupants Name \_\_\_\_\_

I certify that the following information is true to the best of my knowledge:

Number of Adults \_\_\_\_\_ Children \_\_\_\_\_  
Age of Children M \_\_\_\_\_  
F \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No persons displaced

I (We) first occupied the property (to be) acquired on \_\_\_\_\_

(Signature of Owner/Tenant) \_\_\_\_\_  
Date \_\_\_\_\_

(Agency Completes Below this Line)

I have personally verified the above occupancy and I certify possession of:

Date of first offer to acquire this property \_\_\_\_\_

- Non-Resid.
- No personal property to be moved
- Personal property only
- Furniture owned by  Tenant  Owner

- Bedroom(s) \_\_\_\_\_
- Living Room \_\_\_\_\_
- Dining Room \_\_\_\_\_
- Den \_\_\_\_\_
- Kitchen \_\_\_\_\_
- Service Porch \_\_\_\_\_
- Garage \_\_\_\_\_
- Other \_\_\_\_\_
- Total Room Count \_\_\_\_\_

APPROVED BY \_\_\_\_\_

Date \_\_\_\_\_



(Current Date)

(File Reference)

## DETERMINATION OF BENEFITS

(Inside Address)

Dear \_\_\_\_\_:

On \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ made an offer to purchase the property which you occupied on that date. As the eligible occupant of the property, you are entitled to certain benefits under the State's Relocation Assistance Program. These benefits are briefly outlined below and are discussed in further detail in the brochure which was given to you.

The dollar amounts shown below are subject to review from time to time and could increase or decrease as conditions change. Normally, a decrease would occur only under unusual circumstances.

You will not be eligible to receive any relocation payment until the Agency has completed the purchase of the property or has the right of possession of the property and you have moved.

You will be given at least 90 days written notice before you will be required to move from the property.

As the occupant of the property on the date of the first offer, you are entitled to:

## 1. RELOCATION ADVISORY ASSISTANCE:

The Department will assist you in finding a replacement residence. If you wish assistance, contact your relocation advisor; AND,

## 2. MOVING EXPENSES:

You may select payment based on:

- a. Moving Cost Schedule based on number of rooms, plus dislocation allowance. Your entitlement under this option is \$ \_\_\_\_\_; OR
- b. Actual Cost Move based on written estimates; OR
- c. Moving Service Authorization where the Department makes direct payment to an approved commercial mover.

If you occupied the property for more than 90 days immediately preceding the date of the first offer, you may also qualify for additional benefits as follows:

1. IF YOU RENT REPLACEMENT HOUSING
  - a. Replacement Rental Payment in the amount of \$ \_\_\_\_\_; OR
2. IF YOU BUY REPLACEMENT HOUSING
  - a. Down payment allowance; AND
  - b. Incidental costs.

(If you think you may wish to buy a replacement property, contact your relocation advisor and he will arrange a calculation of these optional benefits.)

To avoid loss of possible benefits, DO NOT commit yourself to purchase or rent a replacement property or move without first contacting your relocation advisor.

Sincerely,

\_\_\_\_\_  
Relocation Advisor

Phone \_\_\_\_\_

**ACKNOWLEDGMENT**

I was personally contacted by the above agent for \_\_\_\_\_ . I have had the services and entitlements available explained to me. I was further advised that Relocation Services will be available to me as assistance is needed. I have been given a copy of this form letter.

Date \_\_\_\_\_, 19 \_\_\_\_\_

(90-Day Tenant)  
Alternate Page 2

If you occupied the property for more than 180 days immediately preceding the date of first offer, you may also qualify for additional benefits as follows:

1. IF YOU BUY REPLACEMENT HOUSING

- a. REPLACEMENT PURCHASE DIFFERENTIAL in the amount of \$ \_\_\_\_\_
- b. INCIDENTAL EXPENSES

Qualifying incidental expenses will be determined after you have purchased (or are purchasing) replacement housing.

Your relocation advisor will explain how these payments are computed.

- c. INTEREST DIFFERENTIAL PAYMENT

If you qualify, your entitlement will be determined after you have purchased replacement housing and the necessary information regarding your old and new loans has been obtained or submitted.

2. IF YOU RENT REPLACEMENT HOUSING

REPLACEMENT RENTAL PAYMENT

(If you think you may wish to rent a replacement property, contact your relocation advisor and he will arrange a calculation of this optional benefit.)

To avoid loss of possible benefits, DO NOT commit yourself to purchase or rent a replacement property or move without first contacting your relocation advisor.

Sincerely,

\_\_\_\_\_  
Relocation Advisor

Phone \_\_\_\_\_

ACKNOWLEDGEMENT

I was personally contacted by the above agent for the \_\_\_\_\_ . I have had the services and entitlements available explained to me. I was further advised that Relocation Services will be available to me as assistance is needed. I have been given a copy of this form letter.

Date \_\_\_\_\_, 19 \_\_\_\_\_

(Long-Term Owner)  
Alternate Page 2

If you occupied the property for more than 90 days but less than 180 days, immediately preceding the date of the first offer, you may also qualify for additional benefits as follows:

1. IF YOU BUY REPLACEMENT HOUSING

DOWN PAYMENT ALLOWANCE AND INCIDENTAL EXPENSES

Your exact entitlement will be determined when you have purchased (or are purchasing) replacement housing. The following is an estimate of the amount for a down payment which you could receive if you moved today and were found eligible.

Probable selling price of comparable housing \$ \_\_\_\_\_

Present \_\_\_\_\_% required as down payment \$ \_\_\_\_\_

Estimated payment for which you may be eligible \$ \_\_\_\_\_

(Any payment in excess of \$2,000 requires a contribution of matching funds by the displacee.)

In addition, you may qualify to receive certain incidental expenses and loan costs. Your relocation advisor will discuss these benefits with you.

OR

2. IF YOU RENT REPLACEMENT HOUSING

REPLACEMENT RENTAL PAYMENT

(If you think you may wish to rent a replacement property, contact your relocation advisor and he will arrange a calculation of this optional benefit.)

To avoid loss of possible benefits, DO NOT commit yourself to purchase or rent a replacement property or move without first contacting your relocation advisor.

\_\_\_\_\_  
Relocation Advisor

Phone \_\_\_\_\_

ACKNOWLEDGMENT

I was personally contacted by the above agent for the \_\_\_\_\_ . I have had the services and entitlements available explained to me. I was further advised that Relocation Services will be available to me as assistance is needed. I have been given a copy of this form letter.

Date \_\_\_\_\_, 19\_\_\_\_

(Short-Term Owner)  
Alternate Page 2

LWCF RELOCATION ASSISTANCE APPEALS PROCESS  
FOR ACQUISITION BY LOCAL AGENCIES

## I. Policy

The law (42 U.S.C. 4633 (b)) provides that any person aggrieved by a determination as to eligibility for a payment authorized by this Act or the amount of a payment may have his application reviewed by the head of the federal agency having authority over the applicable program or project or, in the case of a program or project receiving federal financial assistance, by the head of the state agency.

Department of the Interior Regulation 114-50.1011 provides for review by the head of the state agency. LWCF Manual Section 645.1.7 provides that each state shall establish procedures for review and for an appeals process.

In recognition of the above and to facilitate the processing of LWCF grants, the following appeals process is instituted and shall be adhered to for all funded acquisitions by local agencies.

## II. First Level of Appeal - The Acquiring Agency

A. The right of appeal shall be described in all brochures or other informational pamphlets concerning the relocation assistance program, prepared for distribution to individual displaced persons.

1. The grantor or tenant shall be told of his right to appeal any decision affecting his eligibility or the amount of a relocation assistance payment. The right of appeal should be explained sufficiently so that the relocatee understands how to make his or her initial appeal at the acquiring agency level.
2. It should be made clear to grantors that the right of appeal relates only to the relocation assistance program and that, if he or she is dissatisfied with the amount offered for purchase of his or her property or the terms of the property acquisition agreement, that he or she may pursue remedies under the statutes relating to eminent domain.
3. The acquiring agency shall not use the relocation assistance payment as a means of persuading an owner to sign a property acquisition agreement by assuring him or her that any difference between his or her opinion of fair market value and the acquiring agency's opinion will be resolved by replacement housing payment.

B. Appellants have the right to personal hearings regarding their appeal.

C. Appeal decisions should be made promptly. Decisions are to include a statement of the reasons on which it is based and a copy of such decision will be furnished the appellant.

- D. Article 5 of the California Administrative Code, Title 25, Chapter 6, beginning with Section 6150, details grievance procedures. It is suggested that the public entity follow these procedures in handling appeals.
- E. When an appeal has been denied at the acquiring agency level, the appellant must be advised that the final decision on the appeal rests with the State Department of Parks and Recreation (see policy above). Appellants should be given all assistance required to submit a further appeal to the State Department of Parks and Recreation at the following address:

Local Assistance Section  
P.O. Box 942896 - 1416 Ninth Street  
Sacramento, California 94296-0001

### III. Second Level of Appeal - State Department of Parks and Recreation

- A. The state liaison officer (director of the Department Parks and Recreation) will make the final decision on an appeal. The decision will in no way preclude or limit the appellant from seeking judicial review.
- B. The Local Assistance Section will review the appeal and submit a report to the director containing all pertinent information along with recommendations.
- C. Each appellant will have an opportunity for a personal interview to present oral and/or documentary evidence. The Local Assistance Section shall promptly and carefully review the facts of the case. A written summary of the nature of the appeal, along with the recommendations and the reasons therefor, shall be sent to the director for his or her final consideration.
- D. The director shall make the final decision on the appeal and return his or her decision to the section. The section will notify the acquiring agency of the director's decision. The appellant shall also be provided a written statement containing the decision and the factual and legal basis in support of the decision.

### IV. Action After Appeal Decision

- A. Resubmission of appeals:
  - 1. If the appellant has not established eligibility pursuant to prescribed procedures, and the director has heard and denied the appellant's appeal, the appellant will not be allowed further appeal until the appellant has established such eligibility.
  - 2. After the appellant has established eligibility, the appellant shall be allowed one additional appeal.
- B. The director's decision will in no way preclude or limit the appellant from seeking judicial review.



LAND AND WATER CONSERVATION FUND ACKNOWLEDGMENT

I. Guidelines for Temporary Signing

Acquisition projects over \$500,000 total cost, with frontage along a public road or walkway, will be signed for a period of not less than six months.

Signing of acquisition projects should be delayed until the acquisition of all parcels is completed and all relocations have occurred. Also, the display of dollar amounts for acquisition projects is optional where such display may be detrimental to the project or future acquisition.

II. Standards for Temporary Signs

Unless precluded by local sign ordinances, signs shall be no less than 2 feet by 3 feet.

The attached sample reflects the minimum standard required for a sign. State and local symbols may be added. The second line on the illustration will indicate that the project is acquisition. In addition to the National Park Service, the administrative acknowledgment may include the state agency responsible for administering the fund program. The size of the lettering should be based on the amount of information placed on the sign. The selection of colors will be at the discretion of the participant; however, there should be sufficient contrast between the background and the lettering to make the sign readily visible without being intrusive.

**(SAMPLE)**

**THE CITY OF \_\_\_\_\_**

**Public Outdoor Recreation Site Acquisition**

**Aided by**

**THE LAND AND WATER CONSERVATION FUND**

**Administered by the  
National Park Service  
US. Department of the Interior**

**FUNDING**

<b>L&amp;WCF</b>	<b>50%</b>	<b>\$260,000</b>
<b>City of _____</b>	<b>50%</b>	<b>\$260,000</b>
<b>Total Project</b>		<b>\$520,000</b>

THE FEDERAL UNIFORM ACT AMENDMENTS  
SUMMARY

The Uniform Relocation Assistance and Real Property Acquisition Policies Act had not been amended since its passage in 1970. Over the last several years, there had been a considerable effort to adopt various amendments that would expand benefits, increase coverage, provide greater control to state and local governments, and streamline regulatory requirements.

The major amendments to the law are as follows:

- o Expands definition of a "displaced person" to include those displaced by nonacquisition projects such as demolition or rehabilitation.
- o Defines a "comparable replacement dwelling" (the former law did not define this). The new definition provides sufficient flexibility to avoid replacing an acquired dwelling on a "brick-for-brick," "room-for-room" basis.
- o Establishes a single lead agency at the federal level to promulgate regulations that all other federal agencies will adhere to. (The uniform regulations now in effect will be significantly utilized by the lead agency.)
- o "Appraisal" is defined in the law. (The definition is identical to that found in the current federal regulations.)
- o Certification process whereby a state agency can certify compliance with the federal laws and regulations adopted by the lead agency through its own state law and regulations. Federal monitoring of compliance is still provided, but it does provide for uniformity based on state and local needs.
- o A "business reestablishment payment" of up to \$10,000 to a displaced farm, nonprofit organization, and small business. This is in addition to the normal moving payments.
- o Eliminates the \$300 moving schedule and \$200 dislocation allowance ceilings for residential moves. Payment is still provided, but ceilings will be set by the lead agency instead of by law.
- o Increases the maximum "in-lieu of" payment for nonresidential moves from \$10,000 to \$20,000. Reduces the minimum payment from \$2,500 to \$1,000.
- o A new provision allows an acquiring agency to compensate utility companies for "extraordinary" expenses incurred in the removal of utilities from public rights-of-way or easements.
- o Increases the maximum replacement housing payment to \$22,500 (was \$15,000).

- o Allows flexibility to compute the increased mortgage interest differential payment based on market conditions.
- o Increases the maximum rental assistance payment to \$5,250 (was \$4,000) based on 42 months (was 48 months).
- o Eliminates the matching requirement (over \$2,000) for a tenant electing to buy a replacement dwelling. The amount computed as the maximum rental assistance payment may be used for rent or a down payment.
- o Adopts a planning process to recognize potential relocation problems and methods of resolution.
- o Emphasis is placed on the need to provide comparable replacement housing prior to requiring displacement through the use of "last resort housing." On a case-by-case basis, payment ceilings may be exceeded.
- o Allows the waiver of the appraisal for acquisition by sale or donation of property with a low fair market value.
- o The agency shall have the option of acquiring uneconomic remnants (this is similar to that provision found in the federal regulations).
- o The amendments setting up the lead agency became effective immediately upon enactment (4/2/87). The remaining amendments will be effective upon the issuance of regulations, but no later than two years after passage. This would also give the state two years to adopt conforming legislation.

SAMPLE ACQUISITION SCHEDULE

<u>Parcel Number</u>	<u>Code*</u>	<u>Acreage</u>	<u>Estimated Date of Acquisition</u>	<u>Estimated Value of Land to Be Acquired</u>	<u>Estimated Cost of Relocation</u>	<u>Estimated Value of Improvements to Be Acquired</u>	<u>Total Estimated Cost</u>
1	1	5.00	12/90	\$66,250	\$5,250	\$45,000**	\$116,500
2	2	2.97	12/90	20,790	---	---	20,790
3	1	6.00	11/90	21,000	---	---	21,000
4	1	37.13	10/90	83,500	---	---	83,500
Administration of relocation program							1,000
Relocation							5,250
Total Acreage							
TOTAL							\$248,040

\*Code: 1 - Negotiated purchase; 2 - Condemnation.

\*\*Explain proposed use or disposition of improvements.

(For example)

One tenant to be relocated as result of project. Improvements used as ranger residence after termination of interim use. Property is currently subject to a grazing lease for three more years, at the end of which time a second tenant will also be relocated.

LWCF GRANT AMOUNT REQUESTED \$ \_\_\_\_\_  
 (Cannot exceed 50% of  
 total estimated cost)





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