

HOUSING DEPARTMENT
PUBLIC NOTICE TEMPORARY RELOCATION
939-943 LOCUST STREET RENOVATION PROJECT




DATE: November 13, 2019
FROM: City of San José
SUBJECT: Draft Residential Anti-displacement and Relocation Assistance Plan
30-Day Public Review and Comment Period

City of San José (“City”) is planning for the renovation of an occupied residential triplex building located on property it owns utilizing Community Development Block Grant (CDBG) funds through the CDBG State Program. The Property is located at 939-943 Locust Street in San José.

As part of the planning process, the City has retained the services of Associated Right of Way Services, Inc. (“ARWS”) to (1) prepare a Draft Residential Anti-displacement and Relocation Assistance Plan (“Draft Plan”) that considers the needs of the current residents potentially temporarily displaced during the rehabilitation work and (2) addresses the availability of temporary housing in the surrounding area. Most importantly, this Draft Plan describes the City’s commitment to provide temporary relocation assistance in compliance with federal, State and City laws and regulations for the eligible tenants impacted by the rehabilitation project.

The public is invited to review a copy of the Draft Plan and submit comments. The public’s input will help to shape the Draft Plan and will be included in the presentation to the San José City Council.

If any members of the public would like to make comments on the Draft Plan, they should contact the City’s Relocation Planning Consultant:



Ms. Alesia Strauch, Relocation Planning Consultant
Associated Right of Way Services, Inc.
2300 Contra Costa Boulevard, Suite #525
Pleasant Hill, CA 94523
1(800) 558-5151 toll-free • (925) 691-6505 fax
astrauch@arws.com

If you wish to reach the City’s Project Manager directly, please contact: Steve Pendleton, Building Rehab Supervisor, Housing Department either by phone at (408) 975-4458 or via email to steve.pendleton@sanjoseca.gov.

All comments must be submitted **within 30 days** of this posting, by **December 13, 2019**, to be incorporated into the Final Residential Anti-displacement and Relocation Assistance Plan.

A copy of the Draft Plan is available on the City’s **Housing Department** website, or for review at **Housing Department located at 200 East Santa Clara Street, 12 floor in San José**, during regular public business hours.

Triplex Rehabilitation
939, 941 and 943 Locust Street
San José, California

Residential Antidisplacement and
Relocation Assistance Plan

Prepared for
City of San José



Housing Department
200 E. Santa Clara St., 12th Floor
San José, CA 95113

October 2019

This document was prepared by



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Introduction

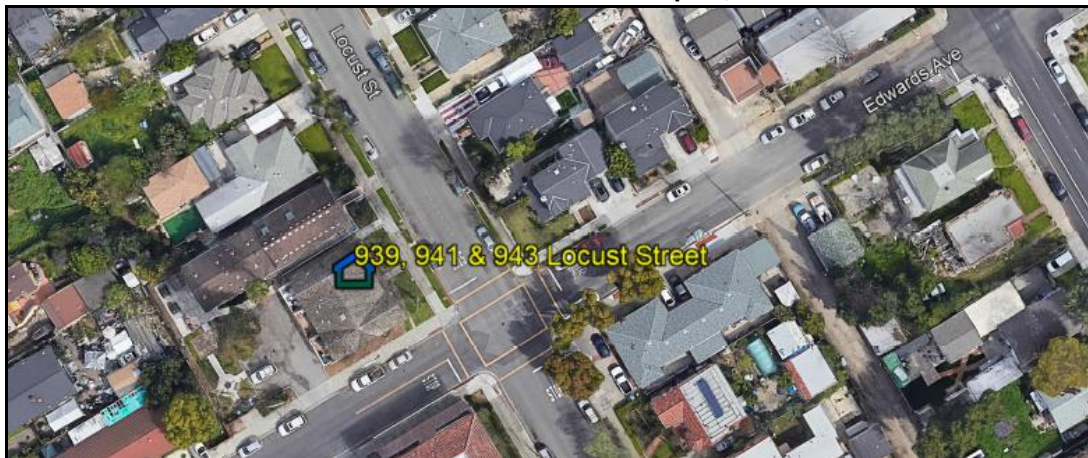
The City of San José (City) is planning to rehabilitate a residential triplex building located at 939-943 Locust Street (the “Triplex”) that will require the current residential tenant occupants to temporarily vacate their homes.

The Triplex is a two-story wood frame building last rehabilitated in 2002. It is owned by the City and rented to low-income households that meet affordability restrictions recorded on the property. These units provide permanent housing for low-income residents. The Triplex is comprised of three affordable two-bedroom rental units. Each unit is two stories with a private front and back entrance, 2 full bathrooms and 1 half-bath, covered parking and in-unit washer/dryers. LifeMoves manages the property and residential leases as part of a service contract with the City.

Adjacent to the Triplex is the Haven located at 937 Locust Street. It is a single-room occupancy residential building offering temporary emergency housing. The residents of the Haven and the Triplex share 10 parking spaces and a small recreation area. While there will be renovation work also performed in the Haven building, no temporary or permanent displacement of occupants in the Haven building is anticipated.

This Residential Antidisplacement and Relocation Assistance Plan (Plan) is intended to address the needs, rights and City’s obligations to provide assistance for the current residents of the Triplex.

Location 939-943 Locust Street Triplex, San José



The planned rehabilitation of the Triplex will improve and preserve the affordable housing in the local community for the existing households and future generations.

Exterior Subject Property Photos



The planned rehabilitation of the three rental units in the Triplex includes the renovation of the interior of each unit, including upgrades to the kitchens and bathrooms, replacement of flooring and fixtures, general repairs and painting of the interior and exterior of the building. The proposed renovations are targeted to begin in February 2020 with the Triplex building work completed within a 3-4 month period. It is anticipated that all residents will be required to temporarily move from their current units for up to four months to allow for this significant rehabilitation effort. **The City is committed to providing temporary relocation assistance to all households and no household will be permanently displaced as a result of this planned rehabilitation project.**

The City is working with its consultant, Associated Right of Way Services, Inc. (AR/WS), to plan for this temporary relocation project. AR/WS has developed this Residential Antidisplacement and Relocation Plan in accordance with the following laws, regulations, and directives:

Law: Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended [42 U.S.C. 4601 et seq.]; **Regulations:** 49 CFR 24

Law: Housing and Community Development Act of 1974 [42 U.S.C. 5301 et seq.]; Section 104(d)

Regulations: 24 CFR 42.325; **Directives:** HUD Notice PIH 2014-17

CDBG Regulations: 24 CFR 570.606

Law: California Relocation Assistance Law [Gov. Code Section 7260, et seq.];

Guidelines: California Code of Regulations, Title 25, Chapter 6 (hereinafter "Guidelines")

Policy: City of San José Council Policy adopted July 6, 1971; as amended December 4, 2007; *City Policy and Guidelines for Relocation Assistance Under State and Federal Laws for Persons Displaced by City's Capital Improvement Projects.*

The Triplex is owned by the City and the residents of the Triplex will be temporarily relocated during the rehabilitation of their unit. The City will cover all out-of-pocket costs in excess of their current rent and utility cost associated with their temporary housing unit. No current resident will be permanently displaced or have their lease terminated and all will have the right to return to their original unit in the Triplex.

This Plan sets forth the policies and procedures to be utilized by the City for the temporary relocation of residents from the Triplex.

- At no time will a residential tenant be temporarily displaced for longer than 12 months.
- It is anticipated that all temporarily relocated residents will be able to move back in to the same rehabilitated unit within the Triplex.
- In accordance with 49 CFR 24.205 (a) and 49 CFR 570.606 (a), the City will make every effort to minimize the impact of relocation on residents.

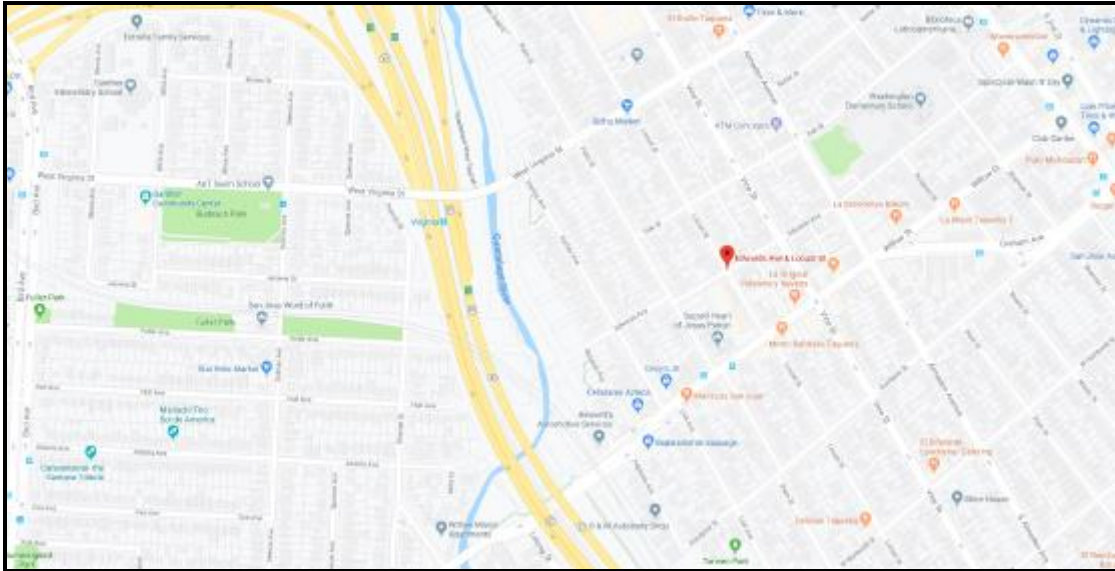
The City is committed to minimizing the displacement of persons and will ensure that any displacement of residents will not differentiate the treatment of households based on race, nationality, color, religion, national origin, sex, sexual orientation, marital status, familial status, disability or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, as well as any otherwise arbitrary, or unlawful discrimination, which also includes, but is not limited to:

1. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the “Act”) as amended, the Housing and Community Development Act of 1974 and implementing regulations.
2. Fair Housing and Equal Opportunity Provisions:
 - a. Title VI of the Civil Rights Act of 1964;
 - b. Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 88);
 - c. Executive Order 11063; and,
 - d. Section 504 of the Rehabilitation Act of 1973;
 - e. The Age Discrimination Act of 1975; and,
 - f. Title II of the Americans with Disabilities Act (to the extent it applies, otherwise Section 504 and the Fair Housing Amendments govern).
3. Violence Against Women Reauthorization Act of 2005 (VAWA).

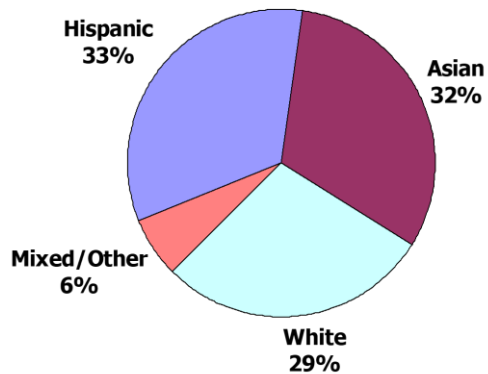
Project Location – San José, California

The Triplex located in the City of San José, in Santa Clara County, California. It located less than 2 miles from downtown and within walking distance of many shops and restaurants along Willow and 1st Streets. The location has easy access via public transportation, as the VTA 25 De Anza College to Alum Rock Transit Center route is located along Willow Street that also connects easily with the county light rail system. The interchange of Highway 280 and the Guadalupe Freeway is within a half mile. The nearest public school, Washington Elementary, is a 3-block walk from the Triplex.

Project Area Map



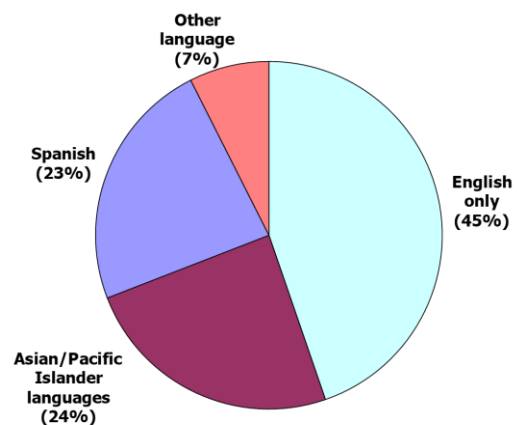
The City of San José is growing steadily. The United States Census estimated the City's population, as of July 2018, to be 1,030,119. This represents an 8.2% increase from the 2010 census count of 945,942 persons. The average household size is 3.15 and approximately 23% of the population is under the age of 18. The City is considered an area of high minority concentration. The Triplex is located in Council District 7, with a high Hispanic concentration.



More than a half of the City's population speak a non-English language at home:

According to the 2010 U. S. Census Bureau, utilizing data depicted on a pie chart from City's website:

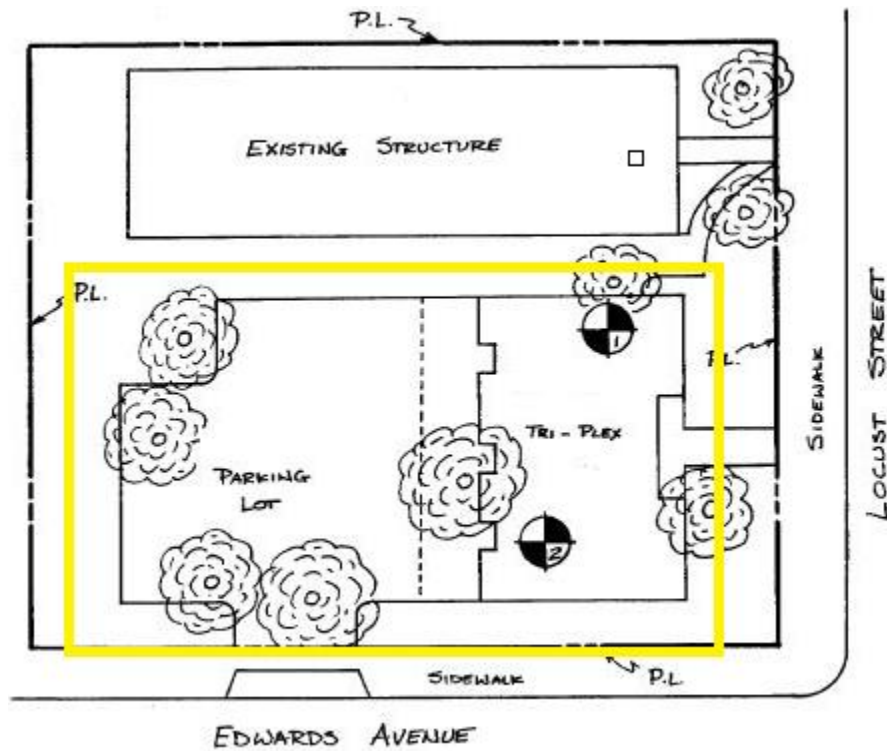
- 33% Hispanic
- 32% Asian
- 29% White



Project Site Description and Occupancy Data

The Triplex is a two-story building and includes three, two-bedroom units. The building is wood framed with a concrete slab and situated on approximately 14,000 square foot shared parcel (with the adjacent Haven building). Each of the three units include a full kitchen, combined living and dining area, 2 full bathrooms and 1 half-bath as well as in-unit laundry and covered parking. Each unit has a front and back entrance and exterior storage closet.

Site Layout Depiction¹



Presently, all three units are occupied and there are no vacancies. Vacancy at the property is low and all three households have lived on the property for an extended period of time. The current lease agreements for the three households were reviewed as part of the preparation of this Plan. The City's proposed rehabilitation efforts **will not affect the rental unit count or footprint of the building.**

| Existing Units | | |
|--|---|---|
| Total Number of Existing Units: | | 3 |
| Two-Bedroom Units: | 3 | |
| Number of Occupied Units: | | 3 |
| Number of Vacant Units: | | 0 |
| Number of Units Occupied by Low Income Households: | | 3 |
| Total Potentially Effected Households: | | 3 |

¹ Not to scale, intended for informational use only.

A review of the current occupancy data, including the lease agreements, meeting with property manager and in-person discussions with tenant households, concludes there are approximately 12 persons living in the Triplex including six minors and two seniors.

When the property was first acquired by the City it included an affordability restriction. Residents of the Triplex must be low income, with incomes that do not exceed 60% of the Area Median Income (AMI) adjusted for household size. The current residents are income qualified by the City's property manager and operator, LifeMoves. None of the existing households utilize government housing assistance, such as Section 8 Housing Choice or Project Based Vouchers.

Anticipated Project Funding Sources

The City anticipates the utilization of Community Development Block Grant (CDBG) funds through the CDBG State Program which allows States to award grants for the development and preservation of affordable housing and the provision of related supportive services. The San José City Council adopted a resolution on November 13, 2018 to authorize the use of \$1,200,000 of CDBG annual allocation funding, administered through the Housing Department, for the planned rehabilitation project at the Locust Street triplex and the neighboring transitional housing facility known as the Haven.

Planned Rehabilitation and Renovation Work

The City's goal for the proposed project is to retain the Property's long-term affordability and improve the overall appearance and condition of the Triplex through rehabilitation. *A contractor will be selected through a competitive public bidding process* by the City to provide design, preconstruction and construction services as part of the project. The design and construction team is currently formulating and establishing the final proposed rehabilitation scope.

Below is a general description of the planned scope:

Interiors: The scope of renovation includes replacing kitchen cabinets and countertops, sinks, faucets, appliances and oven hoods. Bathrooms and kitchens will receive new flooring. Carpets in the units will be replaced.

The scope will also include the upgrade of the buildings' HVAC system to allow for greater energy efficiency.

Exteriors: The scope of renovation includes replacing windows, siding, sheetrock, deck repairs, paint, lighting, electrical, fencing, and landscaping.

Potential Residential Impacts

As discussed, the City has secured funding to allow for the renovation of all three units in the Triplex as well as the adjacent Haven building. This Plan is intended to address the temporary relocation of the three households currently residing in the Triplex.

All three households will be required to fully move from their unit and remove all personal property from the Triplex for a temporary time period. Renovation work will be completed in all three units simultaneously and it is anticipated the project will have a four-month duration. Once the renovation work is complete in the Triplex and the City Building Department approves the occupancy permit, the households will be able to move back in to their same unit.

At no time will an affected household be displaced for more than 12 months.

All personal property will need to be moved from each unit to allow for the interior renovation work and will be either moved to a temporary dwelling to be occupied by the household or off-site storage. The City will provide assistance to households that wish to dispose of certain personal property, including furniture, in lieu of moving and storing it. But the City will not compensate residents for the value of personal property voluntarily disposed of.

The City will provide all affected households with relocation assistance to persons temporarily displaced in compliance with applicable laws and regulations. This will include pre-arranged temporary housing that is adequate to meet the needs of the resident and decent, safe and sanitary (DS&S)² standards. The City will cover all required out-of-pocket expenses incurred by the temporarily displaced household while out of their home.

LifeMoves currently manages the property and will continue to provide property management services as well as assistance, in conjunction with AR/WS, during the planned rehabilitation and temporary vacancy of residents from the Triplex.

City's Commitment to Minimizing Displacement of Persons

Consistent with the goals and objectives of activities assisted under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, the City shall minimize the displacement of persons from their homes through:

- Coordination with households to locate and secure DS&S temporary housing; and
- Direct payment or reimbursement of all eligible moving costs and out-of-pocket temporary housing expenses (in excess of their current costs) for occupants while living off-site during rehabilitation work; and
- LifeMoves' and the City's assurance that all temporarily displaced households will qualify to move back in to their original Triplex unit after rehabilitation work is complete; and
- Development of a temporary relocation assistance program that includes appropriate advisory services and written noticing to advise tenants of the rehabilitation project, schedule, and the assistance that is available to them.

Project Assurances

The City will provide Relocation Assistance through its Temporary Relocation Assistance Program (Program) for Triplex residents in compliance with all applicable laws and regulations. City will ensure that:

1. Fair and reasonable relocation payments will be provided to eligible persons as required by applicable laws and regulations.
2. The City will adopt a compliant Antidisplacement Plan meeting the requirements of the URA, California Code of Regulations and City Relocation Policy. All persons who will be temporarily relocated will be provided an opportunity to participate in reviewing the Plan and monitoring the Program.
3. All eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures. Effective communication regarding the planned

² Decent, safe, and sanitary dwelling. The term decent, safe, and sanitary dwelling means a dwelling which meets local housing and occupancy codes. See 49 CFR 24.2(a)(8) for full definition.

project, advisory services and accessible meeting facilities, if necessary, will be provided for persons with disabilities.

4. Meaningful access will be provided for persons with limited English proficiency, including translation services, if requested.
5. DS&S temporary housing will be available within a reasonable period of time prior to displacement sufficient in number, size and cost for the eligible persons who require them.
6. Rents, if increased, will not be increased above 5% of the current rents. Rents, if increased, and estimated utility costs will not exceed 30% of a household's average monthly gross income. Therefore, none of the exiting households will be economically displaced.
7. The City, through its project partner and property manager LifeMoves, has determined that all households will qualify to return to the Triplex post construction.
8. No existing occupied units have been identified as overcrowded; therefore, all temporarily displaced residents will be accommodated once renovation work has been completed.
9. No household will be required to move temporarily for more than 12 months.
10. All out-of-pocket expenses related to the temporary relocations will be covered by the City through its Temporary Relocation Program.
11. No low/moderate-income dwelling units will be demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(b)(1) and 24 CFR 42.375.
12. Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to available temporary housing without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.

Pursuant to Public Law 105-117 as it relates to the URA, aliens, not lawfully present in the United States, are not eligible for relocation assistance, unless ineligibility would result in exceptional hardship to a qualifying spouse, parent or child. All persons seeking temporary relocation assistance will be required to certify that they are a United States Citizen or national, or alien lawfully present in the United States. If any household cannot provide such certification, the City will utilize non-federal funds to accommodate the temporary relocation.

Re-Occupancy Policies and Tenant Payments

All residents temporarily displaced from the Triplex will have a right to return to their original renovated unit and **under no circumstances will a person be temporarily displaced for longer than 12 months.**

The period during which residents will need to be temporarily relocated will be determined by the period of construction impacting their unit and it is estimated to be between three and four months.

Temporarily displaced residents will not be subject to a rescreening of income, eligibility, criminal or credit upon re-occupancy.

Housing Resources and Preliminary Cost Estimate

A survey was conducted over a two-week period in September 2019 to determine the availability and adequacy of temporary housing resources in the area. Sufficient DS&S housing resources are available

to accommodate the households that will be required to move off-site temporarily during the Triplex rehabilitation project.

Apartment complexes and other rental units with two bedrooms in the local area were surveyed for price, terms and availability utilizing web-based sources, calls to local property managers and a local area field inspection. If an affected occupant requires housing that is handicap accessible, the City will ensure temporary housing can be secured that will accommodate their needs. It is also noted that some of the households include pets that can be accommodated at certain rental properties. Available housing survey information is attached as **Appendix B**.

The initial analysis of project relocation costs was developed based on interviews with the City staff, project manager and LifeMoves management, as well as, research on local moving and temporary storage costs and an analysis of area temporary housing resources. Actual temporary relocation costs and any direct payments to households will be determined once the construction scope and schedule are solidified.

| | Low Estimate | High Estimate |
|-------------------------------|--------------|---------------|
| Estimated Relocation Payments | \$45,000 | \$65,000 |

Temporary Relocation Assistance Planning and Program

The City of San José is committed to provide assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, through its Temporary Relocation Assistance Program, and in compliance with all applicable federal, State and local requirements. The draft Plan will be circulated for the required 30-day public review and comment period in October 2019. All comments will be incorporated into the Final Relocation Plan and will be submitted to the City Council.

The City anticipates that construction in connection with the planned rehabilitation work at the Triplex would begin in February 2020 and work would be completed within a 4 -month period. The City has planned this Project in such a way that it should not cause the permanent displacement of any persons or households.

Relocation assistance for impacted households will include advisory assistance (including required noticing) and monetary assistance for temporary housing costs, moving costs, security deposits (if necessary), increased utility costs (if any), temporary off-site storage of personal property and insurance as well as other eligible out-of-pocket expenses incurred during temporary displacement. This may also include, in rare cases, a per-diem based on current City policies for food costs if a kitchen is not available in the temporary housing unit.

Relocation laws and regulations are intended for the benefit of displaced persons, to ensure that such persons receive fair and equitable treatment and do not suffer disproportionate injuries as the result of programs designed for the benefit of the public as a whole. The Guidelines are designed to carry out the following policies of the Act:

1. To ensure that uniform, fair and equitable treatment is afforded persons displaced from their homes, businesses or farms as a result of the actions of a public entity in order that such persons shall not suffer disproportionate injury as a result of action taken for the benefit of the public as a whole; and

2. To ensure that a public entity shall not participate in or undertake a project that will displace individuals from their homes unless comparable replacement dwellings will be available within a reasonable period of time prior to displacement.

The City of San José is committed to providing relocation assistance including a Relocation Advisor, who may also act as a Move Coordinator, to assist affected households in compliance with the URA.

Persons Eligible to Receive Relocation Assistance. In general, persons who are in legal occupancy and who are required to move temporarily as a direct result of the renovation work at the Triplex are eligible to receive assistance under the City’s Temporary Relocation Assistance Program. Persons who moved in to the Triplex with prior knowledge of the project may not be eligible to receive assistance under the Program.

Relocation Advisory Assistance. The United States Congress determined that any person being affected by a publicly funded project has the right to receive assistance in understanding the laws and regulations that protect them if they are required to move for a project. Congress determined that a knowledgeable Relocation Advisor be available to each household to help them through the process, to provide them with notices as required, and to provide them with verbal and written information regarding the Program. The City will provide Relocation Advisors who will manage the temporary move efforts, and coordinate with a Move Coordinator, who will be available to answer questions and to help each household throughout the temporary move process. The Relocation Advisor will help eligible residential occupants to find DS&S replacement housing for the period of time that the household must move from their unit. The Relocation Advisor can also provide assistance in the referral of complaints of discrimination to the appropriate Federal, State or local fair housing enforcement agency. Each household should continue to meet with the Relocation Advisor and provide any information requested so that assistance to residents can be provided as needed. The Relocation Advisor will also assist each household with filing claims for direct payments or reimbursement of eligible costs under the Program.

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

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

| | |
|---|---|
| General Information Notice: | This notice provides information about the project and eligibility as soon as a potential project is identified. |
| Notice of Non-Displacement and 90-Day Notice for Temporary Move: | This notice describes the benefits available for households who are required to move temporarily. It also provides a minimum of 90-days’ advanced written notice of the anticipated temporary move date. |
| Notice to Move: | This notice describes the benefits available for households who are required to move temporarily and identifies a specific, adequate, DS&S unit that is available for the household to occupy on a temporary basis. |
| Notice of Unit Availability: | This notice is sent to each household to identify their Triplex unit is available for them to re-occupy (move back). |

Project Scheduling. City will provide each household with a minimum of 60 days written notice of

the date they must temporarily vacate their apartment. While a household may choose to vacate sooner than the required vacate date, a rehabilitated apartment will be available within no more than 12 months of the date the household is **required** to move.

Each household who will be returning to the Triplex will be provided a **Notice of Unit Availability**.

Right to Decent, Safe and Sanitary Housing. Each household has the right to rent and occupy a Decent, Safe, and Sanitary temporary unit that accommodates the size of their household in accordance with local housing occupancy standards.

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

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

Option A – Under this option, the City would:

- Hire a professional moving company to perform the move.
- Pay for temporary hospitality television cable and phone forwarding service.
- Cover the costs related to storage of personal property that is required to be moved temporarily off-site to accommodate the project.

Option B – Under this option, the City would:

- Pay the household to move themselves based on a Fixed Moving Payment Schedule³ as shown below:

| Occupant Owns Furniture | | | | | | | | | Occupant does not own furniture | | |
|------------------------------|---------|---------|---------|---------|---------|---------|---------|------------|---------------------------------|--------------------|--|
| Number of Rooms of Furniture | | | | | | | | | | | |
| 1 room | 2 rooms | 3 rooms | 4 rooms | 5 rooms | 6 rooms | 7 rooms | 8 rooms | Add'l room | 1 room/ no furn. | Add' room no furn. | |
| \$725 | \$930 | \$1,165 | \$1,375 | \$1,665 | \$1,925 | \$2,215 | \$2,505 | \$265 | \$475 | \$90 | |

- Cover the costs related to storage of personal property that is required to be moved temporarily off-site to accommodate the project.

Payment for Rent Increase During Temporary Displacement. If there is any increase in rent during the time that the household rents and occupies temporary housing, then the City will pay for the difference between the rent at the temporary site and the rent at the original Triplex unit.

Security Deposit Assistance. If a security deposit is required for temporary housing, then the City will cover that cost.

Eviction Policy. It is important that each household continues to pay rent. Failure to pay rent can result in a deduction from payments owed to the household and/or eviction. If a household receives a Notice to Move from the City or LifeMoves and fails to move, the City may be required to take legal action to move the household from the property and seek rent and damages.

³ Fixed Residential Moving Cost Schedule effective August 24, 2015 was published in the https://www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm.

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

[Claim Processing and Distribution of Payments](#). All claims are to be filed through a Relocation Advisor or Move Coordinator. They will assist each household in completing their claim forms, will notify each household of the documentation needed in order to file the claim, and will inspect all replacement properties as needed. Each claim will be submitted along with documentation to the City for review and processing.

[Relocation Payments are Not Considered Income](#). Federal law (42 USC Chapter 61 §4636 and 49 CFR 24.209) states that no payment received by a displaced person under this part shall be considered as income for the purposes of the Internal Revenue Code of 1986 (Title 26, U. S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U.S. Code 301 et seq.) or any other Federal law (except for any Federal law providing low-income housing assistance). Please consult a tax advisor for additional information.

[Appeal Process and Grievance Procedure](#)

The City provides an appeals process in accordance with Federal and State requirements. The Appeals Hearing Board of the City is designated as the Relocation Appeals Board by Resolution No. 69321. An appeal of the City's determination regarding relocation assistance may be filed within 90 days of written notice to the aggrieved party of the City's decision.

In accordance with adopted procedures, the aggrieved party first appeals to the Real Estate Division Manager. If not satisfied with the initial determination by the advisor assigned to the aggrieved party's case, an appeal to the Director of Public Works is available. The determination of the Director of Public Works may then be appealed to the Appeals Hearing Board, which is the final administrative appeal. The Board's decision may be appealed to the courts in accordance with applicable laws. An aggrieved party may obtain the forms and receive assistance in the appeals process from his or her Relocation Advisor. The City will adhere to the timelines for appeals set forth in federal and state law.

[Certification of Compliance](#)

The City of San José hereby certifies that it will comply with the applicable Federal, State and local temporary relocation requirements to the extent provided in this Plan.

Appendix A – Income Limits

Department of Housing and Community Development (HCD), pursuant to Health & Safety Code Section 50093(c), State Income Limits. HCD annually updates these income limits based on Federal Department of Housing and Urban Development (HUD) revisions to its Public Housing and Section 8 Housing Choice Voucher Program that HUD released on April 24, 2019.

| 2019 Income Limits Santa Clara County | Annual household income is not more than: | | | |
|--|---|--------------------------|---------------------|---------------------------|
| Household Size | EXTREMELY LOW (30% OF AMI) | VERY LOW (50% OF AMI) | LOW (80% OF AMI) | MODERATE (120% OF AMI) |
| 1 PERSON | \$30,750 | \$51,250 | \$72,750 | \$110,400 |
| 2 PERSONS | \$35,150 | \$58,550 | \$83,150 | \$126,150 |
| 3 PERSONS | \$39,550 | \$65,850 | \$93,550 | \$141,950 |
| 4 PERSONS | \$43,900 | \$73,150 | \$103,900 | \$157,700 |
| 5 PERSONS | \$47,450 | \$79,050 | \$112,250 | \$170,300 |
| 6 PERSONS | \$50,950 | \$84,900 | \$120,550 | \$152,400 |

Appendix B – Available Housing Survey

San José, California - Two Bedroom Apartments

| Address | Neighborhood | Type | Bedroom | Rent | Deposit |
|---------------------|----------------|-----------|---------|------------|------------|
| 1070 Foxchase Drive | South San Jose | Apartment | 2/2 | \$2,702.00 | \$600.00 |
| 1300 The Alameda | Downtown SJ | Apartment | 2/2 | \$3,126.00 | |
| 101 San Fernando | Downtown SJ | Apartment | 2/2 | \$3,084.00 | \$600.00 |
| 620 S 7th St #6 | Near SJSU | Apartment | 2/1 | \$2,195.00 | \$1,000.00 |
| 144 3rd St | Near SJSU | Condo | 2/2 | \$2,999.00 | \$2,999.00 |
| 29-39 W Julian St | Downtown SJ | Apartment | 2/2 | \$2,837.00 | |
| 56 2nd St | Downtown SJ | Apartment | 2/1 | \$2,650.00 | \$750.00 |
| 2nd St near Taylor | Downtown SJ | Apartment | 2/1.5 | \$2,850.00 | \$2,500.00 |
| 2388 Madden Ave | Downtown SJ | Apartment | 2/2 | \$2,760.00 | \$600.00 |
| 868 S 5th St | Downtown SJ | Apartment | 2/2 | \$2,599.00 | \$700.00 |
| 190 Ryland St | Downtown SJ | Apartment | 2/2 | \$2,865.00 | \$700.00 |
| 42 N 10th St | Downtown SJ | Triplex | 2/1 | \$2,295.00 | UNK |
| 267 Shadow Dance Dr | Downtown SJ | Condo | 2/2 | \$2,550.00 | UNK |
| 750-760 N. 23rd St | Downtown SJ | Apartment | 2/1 | \$2,349.00 | \$99.00 |
| 1277 Babb Ct | Downtown SJ | Apartment | 2/2 | \$2,900.00 | \$500.00 |
| 1060 3rd St | Downtown SJ | Condo | 2/2 | \$2,800.00 | \$2,800.00 |
| 628 S 10th St | Downtown SJ | Apartment | 2/1 | \$2,300.00 | \$1,600.00 |
| 33 Atlas Ave | Downtown SJ | Apartment | 2/1 | \$2,200.00 | \$1,000.00 |
| 279 E St James | Downtown SJ | Duplex | 2/1 | \$2,695.00 | \$2,200.00 |

Average Rent Value Indicated: \$2,650 (September/October 2019)