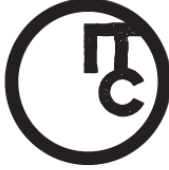


INGLEWOOD

TRANSIT CONNECTOR



RELOCATION ASSISTANCE PROCEDURES

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1.0 BACKGROUND

All persons displaced from their place of business as a result of the City of Inglewood (City) Inglewood Transit Connector (ITC) Project are provided relocation assistance in conformance with the ITC Project's Relocation Assistance Policy, all applicable federal, state and local laws and regulations, including when applicable, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 and 1989, California Eminent Domain Law, Part 3, Title 7 of the California Code of Civil Procedure, Section 41135 of the California Health and Safety Code, Section 7260 et seq., of the California Government Code, and Guidelines adopted by the Department of Housing and Community Development (Title 25, Chapter 6). There are no residential displacees resulting from the Project. These Procedures relate only to commercial displacees.

The City's Relocation Assistance Program consists of two elements: advisory assistance and financial assistance. Every person or business displaced as a result of the acquisition of real property required for the (ITC) Project is provided advisory assistance in relocating to a replacement dwelling or business location. When certain eligibility requirements are met, displaced persons are also entitled to financial assistance in relocating their personal property and for the increased costs of re-establishing a business. These services and benefits are in addition to compensation received by the property owner for real property.

These Procedures are written in compliance with federal and state laws, policies and regulations, and cover business displacements. The Inglewood Transit Connector Project has NOT identified any residential displacees affected by the Project.

1.1 RELOCATION ADVISORY ASSISTANCE

Relocation Advisory Assistance is made available to all persons displaced by the City's Program" through the advisory of their Relocation Consultant ("Consultant") and includes such measures, facilities and services as may be necessary or appropriate to:

- Determine the relocation needs and preferences of each business to be displaced and explain the relocation payments and other assistance for which the displacee may be eligible the related eligibility requirements and the procedures for obtaining assistance, and the appeal process.
- Provide current and continuing information on the availability of replacement sites that may be available for lease or purchase. The information is to include location, purchase price, rental costs, and contact information. Each referral provided will be sent to the displacee with a referral site evaluation (Form 26) to better assist the displaced business in finding suitable commercial locations.
- Minimize hardships to displacees by providing in-person interviews, follow-up calls, counseling, and advice as to other sources of assistance that may be available, and any other help as may be appropriate.
- Supply persons to be displaced with appropriate information concerning Federal and State programs, disaster loans, and other programs administered by the Small Business Administration and other Federal and State Programs offering assistance to displaced

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persons and technical help to persons applying for assistance.

- Assist in completing the City's relocation claim forms and supporting documentation, and if necessary, assistance with requests for a relocation appeal.

1.2 RELOCATION FINANCIAL ASSISTANCE

A Business that qualifies as a Displaced Person may be eligible to receive compensation as follows:

- The actual reasonable and necessary moving and related expenses. An additional payment not to exceed **\$33,200** for expenses actually incurred in re-establishing a business operation at a replacement site is also available to a small business, farm or non-profit organization, OR
- If certain criteria are met, a fixed payment in lieu of the payments for actual reasonable and necessary moving and related expenses and actual reestablishment expenses, in an amount not less than **\$1,000** or more than **\$53,200**.

2.0 RESPONSIBILITIES

The Right-of-Way Team ("ROW Team") is responsible for administering the City's Relocation Assistance Program. The City will contract with a Relocation Consultant to present and explain to the displaced person all relocation notices and relocation information including information regarding the claims process, and payments to which the displaced person may be eligible. The Consultant will assist in ensuring that the displacee vacates the property by the agreed-upon dates established for the Project; assembles all documentation to support a relocation claim and maintains a current and accurate written diary of all contacts with displacees. The ROW Manager is responsible for providing the Relocation Consultant with timely information and assistance when requested. The ROW Team reviews and approves all relocation claims submitted by the Relocation Consultant and submits the request for payment to the City for approval. ROW Team members include:

ROW Director: Responsible for the final internal departmental review of relocation claims submitted for payment.

ROW Manager: Responsible for the overall management of the relocation program. Monitors the work of the Relocation Consultants, maintains accurate records of all relocation costs, reviews and approves relocation claims submitted by the Relocation Consultants, and recommends payment.

ROW Coordinator: will provide administrative support relating to consultant coordination, document management, and financial processing.

ROW Advisor: responsible for providing strategic guidance and assistance to the ROW Team on an as-needed basis.

ROW Legal Counsel: shall serve as a supporting member of the ROW Team for legal advisory services relating to acquisitions and eminent domain matters.

Real Estate Services Consultants: will provide appraisal, acquisition, relocation, and



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environmental investigation services to assist the ROW Team to complete the proper acquisition of real estate and relocation of businesses in accordance with federal and state law and applicable policies.

3.0 PROCEDURES

Based upon preliminary relocation planning information, the ROW Team along with the Relocation Consultant determine the nature of the relocation requirements. The ROW Team prepares and submits a work order for relocation services to a contracted Relocation Consultant, who acts as the relocation consultant for the City. A relocation task order contains the following information:

- Project Name
- Project Number
- Name of Acquisition Consultant assigned to the acquisition
- Name and address of all known displaced business or non-profit organizations on site
- Name of contact person on site, if a business, and
- Any other information relevant to the relocation case

3.1 INITIATION OF NEGOTIATIONS (FIRST VISIT)

The Relocation Consultant must conduct a personal interview with each displaced business to determine the relocation needs and preferences. During the first in-person visit, the Consultant will conduct the interview, provide relocation program information, inspect and explain relocation benefits. The first visit will be made at the time of initiation of negotiations or as soon as possible thereafter. If it is not practical to make a personal visit, the information described below may be sent by Certified Mail, Return Receipt Requested. In any event, a personal visit will be made within 30 days of the initiation of negotiations and prior to the issuance of a 90-Day Notice to Vacate.

At a minimum, interviews with displaced business owners and operators must include discussion of the following topics, as applicable:

1. Obtain replacement site requirements, current lease terms, other contractual obligations, and the financial capacity of the business to accomplish the move.
2. Requirements for any moving specialists to assist in planning and executing the move, including reinstallation of business equipment (heavy machinery, complex technologies, outside specialists).
3. An identification and resolution of realty/personalty issues and resolution with appraisers, as applicable.
4. Request and gather information necessary to establish the displacee's eligibility for relocation benefits. This includes obtaining an estimate of the time required for the business to vacate the site. Explain the City's policy of providing relocation advisory services and benefits to assist the displacee in finding a new business location, the related eligibility requirements, and the procedures for obtaining assistance.
5. Emphasize to displacees that before they rent or purchase and move into replacement

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business facilities, they should contact the Relocation Consultant to ascertain that their proposed action will not disqualify them for or delay their payment.

6. Explain to displacees that no relocation payment will be made until after title to the property vests in the City or the City has possession of the property unless there is a demonstrated need for an advance payment to avoid or reduce a hardship.
7. Provide displacees with the appropriate General Information Notices - Relocation Benefits for Businesses, Farms and Nonprofit Organizations (**Form 1**), the Relocation Brochure for Businesses, Farms, and Non-Profit Organizations (**Form 2**), and Title VI Brochure (**Form 24**).
8. Provide U.S. Residency Certification Form (**Form 23**).
9. Provide the displacees with a Notice of Relocation Eligibility (**Form 3**).
10. Provide Business displacees with a Right to Claim Loss of Business Goodwill Letter (**Form 4**) (same as **Form 12** in the Acquisition Procedures).
11. Obtain a signed Receipt of Relocation Information Notice from the displacee (**Form 5**).
12. The Relocation Consultant will complete a Business Occupant Interview Form (**Form 6**) for each displaced business.

3.2 RELOCATION ADVISORY SERVICE

The Relocation Consultant will provide the following relocation services as required:

1. Explain the City's Relocation Assistance Program to each displaced business owner, including the displacee's right to appeal his/her relocation payment under the City's Relocation Appeals Program.
2. Determine the relocation needs and requirements of each displaced person through personal interview; inform displacees of their rights and responsibilities under the program.
3. Enlist the cooperation of real estate agents, contractors, property management firms, social service agencies, civic groups, and others in locating suitable relocation sites and providing other services essential for a successful relocation.
4. Provide current and continuing information on available purchase and rental commercial replacement sites suitable for their business.
5. Provide appropriate information concerning SBA, Federal and other state programs administered by the Small Business Administration (SBA), including technical assistance in the application process. This includes any municipality, county, or other community business resources; work with these agencies on an individual basis to assist in the solution of specific problems affecting relocation.
6. Serve as liaison between business owners and commercial property brokers, realty boards, Chambers of Commerce, the Small Business Administration, lending institutions and other appropriate resources that provide relocation assistance to businesses.
7. Coordinate relocation and community organization activities with other City project operations.



3.3 DOCUMENTATION

The Relocation Consultant will verify all qualifying activities, such as duration of tenancy, moving, etc., by personal inspection and documentation in the parcel diary. The Relocation Consultant will maintain an accurate log in sufficient detail to show the contact(s) made, issues addressed, and the steps taken to provide the displacee with necessary and appropriate assistance. If personal contact cannot be made, the Relocation Consultant will document the case file to show that conscientious efforts were made to explain and offer personal relocation service and the reason why such efforts were unsuccessful.

3.3.1 Claims for Business In-Lieu Payments

The business owner must provide signed, complete, legible copies of income tax returns for the two years immediately preceding displacement. If a signed copy of the tax returns are not available, the business owner must provide a signed statement certifying that the submitted tax returns are true and correct copies of the filed returns. If necessary, the business owner will sign Form 4506 - Request for Copy of Tax form (**Form 8**), authorizing the City to obtain copies of tax returns for the years in question directly from the Internal Revenue Service. The tax returns must contain Schedule C [Profit or (Loss) from Business or Profession] or Form 1020 (Corporate Tax Return) as appropriate.

Where the business is a partnership, copies of the individual tax returns for each of the partners for the years in question must be submitted in addition to the business tax returns.

3.3.2 Claims for Actual Reasonable Moving Expenses

All claims for reimbursement of actual reasonable moving expenses and/or business in-lieu payment must be signed by the business owner, the relocation consultant, and the appropriate Real Estate representative prior to issuance of payment. Each claim must have a current completed U.S. Dept. of Treasury-Internal Revenue Service W-9 Form from the business owner.

The Relocation Consultant must document claimed moving expenses by inclusion and retention in the file of the original or copies of bills, statements, canceled checks, invoices, etc. Where necessary, copies of originals may be inspected, and the following notation made on the copy:

"This is a true copy of the original which has been examined by me." (Signature of Relocation Consultant) (Date)

Payment of invoices in some cases may be confirmed by telephone with the accounting office of the moving company, vendor, etc., and noted in the parcel diary.

3.4 NOTICES

At the direction of the ROW Team, the Relocation Consultant will provide the following notices (with a copy to the ROW Team) at the times indicated:

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3.4.1 Notice of Intent to Acquire

The purpose of the Notice of Intent to Acquire (**Forms 9 and 10**) is to (1) protect the eligibility of prospective displacees who need to move prior to the first written offer on the parcel; (2) to prevent dual eligibility; and (3) assure that all displacees are fully aware of relocation assistance benefits and requirements.

The Notice of Intent to Acquire, together with the Relocation Brochure (General Information Notice), will be furnished to owners and tenants when it is necessary to establish eligibility for relocation payments prior to initiation of negotiations for the acquisition of a parcel.

The Notice will not be dated prior to the day that it is served. It will contain the anticipated date of the initiation of negotiations for acquisition of the property and specify how additional information pertaining to relocation benefits can be obtained.

- If a Notice of Intent to Acquire is furnished to an owner (**Form 9**), it must also be furnished to all tenants as soon as possible (tenants become immediately eligible).
- If a Notice of Intent to Acquire is furnished to a tenant (**Form 10**), the owner must be simultaneously (within the same day) notified of such action. In this case, it is important that the property owner is NOT SERVED with a Notice of Intent to Acquire at this time. To do so will make all occupants of the displacement property eligible for relocation assistance payments, which may not be the intent of the City.
- Prior to issuing a Notice of Intent to Acquire to an owner/occupant who wants to move prior to the first written offer, to retain relocation assistance eligibility rights, the owner-occupant must agree in writing to keep the unit vacant until such time as the City can make its offer to acquire the property.
- If a tenant selects to relocate prior to the issuance of a Notice of Intent to Acquire, the Owner must agree that the vacant unit will not be re-rented. The City may agree, at its option, to enter into a Loss Rent Agreement (**Form 28**) with the Business Owner in which the City agrees to pay the Business Owner rent that would be collected on the vacant unit such time as the City owns the property, or for a fixed period time agreed to by the business owner and the City.

3.4.2 General Information Notice

The General Information Notice (GIN) for an owner occupant will be given at the time the Notice of Intent to Appraise is issued to the Owner. The Relocation Consultant will provide a GIN (**Forms 1A and 2**), a Certification of Lawful Presence – Non-Residential (**Form 1B**), Title VI information (**Form 24**) and obtain a Receipt (**Form 5**).

The GIN will be mailed to a tenant occupant at the time, or shortly after, a Notice of Intent to Appraise is issued to the owner. The GIN letter will include Title VI information and the Relocation Brochure along with a Receipt Form (**Form 5**) with a request for the tenant to sign the form and return to the Relocation Consultant.

The General Information Notice will include the following information:

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- Inform the person that he or she may be displaced and generally describe the types of relocation payment(s) to which the person may be eligible, the basic requirements for eligibility, and the procedures for obtaining the payment(s).
- Inform the business owner that they will be provided relocation advisory assistance, including referral to suitable replacement sites, assistance with completing, and processing relocation payment claims, and other necessary assistance to reestablish the business.
- Inform the business owner that the business will not be required to move without at least 90 days advance written notice to vacate.
- Describe the right to appeal the City's determination as to the business entitlement to a relocation payment.

3.4.3 Notice of Relocation Eligibility

The Notice of Relocation Eligibility for Business Occupants (**Form 3**) will be given by the Relocation Consultant at the first visit or as soon as possible after the written offer (initiation of negotiations) is made to the property owner.

3.4.4 90-Day Informational Notices

No eligible displacee shall be required to move unless he or she has received at least 90 days' advance written notice of the earliest date by which he or she may be required to move. The preferred method is to provide a 90-Day Information Notice (**Form 13**) followed by an appropriate Notice to Vacate (**Form 14**) with date certain. Where project needs dictate, a 90-Day Notice to Vacate (**Form 13A-Sample Letter Subject to Change**) may be issued indicating a date certain.

The 90-Day Informational Notice (**Form 13**) and 90-Day Notice to Vacate (**Form 13A**) will be issued by the Relocation Consultant.

Both eligible and ineligible persons and businesses who are required to vacate because of the City project, and have personal property located on the acquired site, will be served the 90-Day Notice either by personal delivery or by Certified Mail, return receipt requested.

3.4.5 30-Day Notice to Vacate

After at least 60 days have passed since the issuance of the 90-Day Informational Notice to Vacate, a 30-day Notice to Vacate (**Form 14**) will be issued by the Relocation Consultant. This notice will confirm the specific date by which the displacee must vacate. An additional copy of this Notice will be provided to the Manager of Property Management, as advance notice that the property will soon be vacated.

The 30-Day Notice to Vacate shall not be given until such time as the City has ownership of the property. Ownership of the property is obtained on the date of the close of escrow or the date that the Order for Immediate Possession (OIP) becomes effective, notwithstanding the fact that physical possession may not actually take place until at least 30 days after the date.

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3.4.6 Notice to Vacate with Order of Possession

If the OIP contains a specific effective date, the Relocation Consultant will prepare a 90-Day Notice to Vacate (**Form 13A**) (to be served concurrently with the OIP by the City's special counsel), which will be effectively the same date as the OIP. The Relocation Consultant will provide a copy of the 90-Day Notice to Vacate to the ROW Manager and the Acquisition Consultant. A 30-Day Notice to Vacate will be issued by the Relocation Consultant as discussed in this procedure.

If the OIP does not contain a specific effective date, the Relocation Consultant will prepare a separate 90-Day Notice to Vacate (to be served concurrently with the OIP by the City's special counsel). The Relocation Consultant must calculate the ninetieth day. The Acquisition Consultant will provide a copy of the 90-Day Notice to the ROW Manager and the Relocation Consultant. A 30-Day Notice will be issued by the Relocation Consultant as discussed in this procedure.

If appropriate, the Acquisition Consultant may prepare and serve a 90-Day Informational Notice to Vacate before the Court issues the OIP, then issue a 30-Day Notice to Vacate with a date certain after the Court issues the OIP. The Acquisition Consultant must calculate the thirtieth day. The effective date of the 30-Day Notice to Vacate cannot be earlier than the effective date of the OIP.

3.5 RELOCATION PAYMENTS - GENERAL

The Relocation Consultant is responsible for determining the displacee's eligibility for relocation payments and the amounts, in accordance with the payment provisions of the Uniform Act.

1. The Relocation Consultant will gather all documentation needed to support a Relocation claim, including properly completed and executed claim forms, receipts, bills, statement, etc., and submit the claims package to the ROW Team. A uniform Relocation Claim Package will be utilized by all Relocation Consultants. The Claim forms will be prepared jointly by the Relocation Consultants and the business owner (**Form 15A** – Payment in Lieu Claim Form or **Form 15B** – Claim for Business Moving and Related Expenses).
2. The ROW Team will review the claim for propriety of payment (i.e., eligibility, timeliness of fulfilling all qualifying conditions, amount, and computation of payment, etc.), and if the claim is inadequate, inform the Relocation Consultant what additional documents or information is required.
3. If the claim is adequate, the claim package will be attached to a sequentially numbered Payment Request and submitted for approval of payment to the ROW Team.
4. Upon final approval of the claim, a copy of the approved claim form and the original Payment Request are transmitted to City Accounts Payable for payment. A complete claim package, including original claim forms and supporting documents, is maintained in the Parcel Relocation File.

3.6 RELOCATION PAYMENTS - BUSINESS

3.6.1 Actual Reasonable Moving and Related Expenses

Any business or nonprofit organization that qualifies as a displaced person is entitled to compensation for actual and reasonable moving expenses for the relocation of personal property. A business may be entitled to reimbursement for actual reasonable moving expenses incurred for such items as searching for a replacement site, the storage of personal property, transportation, packing, unpacking, crating, and uncrating, insurance, etc.

Moving payments for more than one move or for distances longer than 50 miles must have prior City approval.

- Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, including substitute personal property. This includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right-of-way to the building or improvement are included.)
- Storage of the personal property for a period not to exceed 12 months, unless the City determines that a longer period is necessary.
- Insurance for the replacement value of the personal property in connection with the move and necessary storage.
- Any license, permit or certification required to operate the business being relocated at the replacement location. The payment will be based on the remaining useful life of the existing license, permit, or certification.
- The replacement value of property lost, stolen or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her representative, or employee) where insurance covering such loss, theft or damage is not reasonably available.
- Professional services pre-determined by the City to be actual, reasonable and necessary for planning the move of the personal property, moving the personal property, and installing the relocated personal property at the replacement location. Re-lettering signs and replacing stationery on hand at the time of displacement that are made obsolete because of the move.
- Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business. This option may be allowed where a displaced business is entitled to relocate personal property, but does not do so because the equipment, machinery or fixtures are no longer required or are worn out, where the business is to be discontinued or the personal property is not suitable for use at the new location, or the cost to move the item may exceed the replacement cost of a newer and more efficient model.

The payment will consist of the LESSER of:

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- The fair market value of the item for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, the displacee must make a good faith effort to sell his personal property, unless the City determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market values shall be based on the cost of the goods to the business, not the potential selling price.); OR
 - The estimated cost of moving the item, but with no allowance for storage. (If the business operation is discontinued, the estimated cost shall be based on a moving distance of 50 miles.)
 - The reasonable cost incurred in attempting to sell an item that is not to be relocated.
- Purchase of substitute personal property. If an item of personal property that is used as part of a business operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person may receive payment for the lesser of:
 - The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; OR
 - The estimated cost of moving and reinstalling the replacement item but with no allowance for storage. At the City's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.

"Comparable" item means a replacement, either new or used, which performs the same function as the item to be replaced. "Replacement Cost" means the cost to purchase and install a replacement item, either new or used, which performs the same function as the item being replaced. The trade-in value of old equipment may be used instead of the net proceeds of the sale. The amounts received in trade, the net proceeds of the sale, the replacement cost of the item, and the estimated cost of moving must be documented by the Relocation Consultant.

If a bonafide sale is not affected because no offer is received for the property, the owner will be entitled to the reasonable expenses of the sale. The owner must arrange to have the property removed from the displacement site at no cost to the City by a junk dealer, etc.

When personal property is abandoned with no effort being made by the business owner to dispose of such property by sale or by removal at no cost by a junk dealer, the owner will not be entitled to moving expenses, or losses, for the item involved. In this situation the Relocation Consultant must obtain a signed Certificate of Abandonment (**Form 25**) from the owner.

Payment Requirements - Payment may be made only after a bonafide effort has been made by the owner to sell the item(s) involved. The sales prices, if any, and the actual reasonable costs of advertising and conducting the sale must be supported by copies of the bills of sale or similar documents and by copies of any

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advertisements, offers to sell, auction records and other items supporting the bonafide nature of the sale.

Limitations - A payment for the purchase of substitute equipment does not apply to property that is classified as realty but was retained by the displacee. The cost of moving structures, improvements, or other real property in which the displaced person reserved ownership is also excluded.

- Low Value, High Bulk Personal Property - When a business owner elects to retain and move personal property which has low value and high bulk, such as junk, stockpiled sand, gravel, minerals, metals or similar items, payment for actual, reasonable moving expenses may not exceed the cost of replacing that property at the replacement site. The payment must not exceed the lesser of the following values:
 - The amount that would be received if the personal property is sold at the replacement site.
 - The replacement cost of the product, in a comparable quantity, delivered to the new business location.
- If the owner elects not to retain and move the personal property or abandons such property, the provisions related to Actual Direct Loss of Tangible Personal Property will apply.
- The owner of a business may be paid actual expenses in searching for a replacement business site as the City determines to be reasonable. This payment is not to exceed **\$5,000**. Expenses may include transportation, meals and lodging, time actually spent in searching, or fees actually paid to a real estate consultant or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site. Cost of time spent on permits and attending zoning hearings and time spent in negotiating the purchase or lease terms. All costs are based on reasonable wages and salary.

Payment Requirements:

- Expenses must be itemized on a statement attached to the claim form. The claim form must incorporate the attachment by reference.
- Mileage claimed may be reimbursed at recognized State or Federal mileage rates or at actual costs incurred as verified by paid receipts.
- Time spent in searching may be claimed at the average hourly rate earned by the displacee (if he or she is the searcher). This may be verified by review of Income Tax Returns (displacee's net divided by estimated hours worked annually).
- Claim for meals and minor incidentals such as parking fees and telephone expenses may be accepted without paid receipts, if reasonable.
- Broker and Consultant fees as well as lodging, where allowed, will require receipted paid bills. Searching expenses incurred in searching beyond the 50-mile radius may be allowed only if the nature of the business to be

relocated reasonably justifies such a move. Caution should be exercised to prevent pseudo-searches that may have involved time spent on vacation or other such purposes.

- Search expenses may be included with claims for payment of all other actual expenses but must be itemized and recapitulated on a separate statement as specified above.
- Search expenses incurred in accordance with this policy by a displaced business owner prior to the initiation of negotiations may be considered reimbursable if done in reasonable anticipation of the property being acquired by the City.

3.6.2 Reestablishment Expenses

In addition to payments for actual moving and related expenses, the owners of a small business or non-profit organization may be eligible to receive a payment, not to exceed **\$33,200**, for expenses actually incurred in relocating and reestablishing its operation at a replacement site.

3.6.2.1. Eligible Expenses

Reestablishment expenses must be reasonable and necessary, as determined by the City. They may include:

- Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
- Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- Construction and installation costs for exterior signing to advertise the business.
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
- Advertisement of the replacement location.
- Estimated increased costs of operation during the first 2 years at the replacement site, for such items as lease or rental charges, personal or real property taxes, insurance premiums or utility charges, excluding impact fees.
- Other items that the City may consider essential to the reestablishment of the business.

3.6.2.2. Ineligible Expenses

The following is a non-exclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

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- Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
- Purchase of manufacturing materials, production supplies, product inventory or other items used in the normal course of the business operation.
- Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided above.
- Interest on money borrowed to make the move or purchase the replacement property.
- Payments to outdoor advertising signs, displays or devices do not qualify as a business for the purposes of claiming a payment for reestablishment expenses. Payment to a part-time business in the home, which does not contribute materially to the household income, is also excluded.

The ROW Team, upon approval of a Claim for Actual Reasonable Moving and Related Expenses, will submit the Claim Package to the Director of Public Works for approval of the Payment Request.

Upon receipt of the check for the moving expense payment, the ROW Team will enter the relevant information into the Project's financial management system.

3.6.2.3. Reestablishment Expenses for Non-occupant Owners

A small business, farm, or nonprofit organization, including a non-occupant landlord, whose sole activity at the site is providing space at the site to others, is eligible for a Reestablishment Expense Payment up to **\$33,200**.

A non-occupant owner is not entitled to moving expenses because the requirements are that they have no personal property stored on the site. The sole reason and use for the property, is to lease it to someone else. If a person leases a furnished place, they are not eligible for the Non-occupant Owner payment.

The Relocation Consultant should provide the Non-occupant Owner with a Notice of Eligibility – Non-occupant Owner Leasing Space to Others (**Form 27**) as soon as its eligibility is determined.

3.6.3 Fixed Payment In-Lieu of Actual Moving Expenses

An owner who relocates or discontinues a displaced business may qualify for a payment equal to the average annual net earnings of the business in- lieu of actual moving and related expenses. Such fixed payment may not be less than **\$1,000** or more than **\$53,200**.

When a payment based on average annual net earnings is made, no payment for actual moving costs, search costs, reestablishment expenses or actual direct loss of tangible

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personal property may be made. If moving or storage costs have been paid and the business later qualifies for an in-lieu payment, the amount of moving or storage expenses previously paid must be deducted from the in-lieu entitlement.

These conditions are to be met for a business to qualify for an in-lieu payment:

- The business must own or rent personal property that must be moved from the displacement site and the business must actually vacate or relocate from the displacement site.
- The business cannot be relocated without a substantial loss of its existing patronage, clientele, or net earnings. The substantial loss of patronage criteria may be assumed to exist for a displaced business unless the City demonstrates otherwise. An example of when a substantial loss of patronage claim may be denied would be when an office building is acquired that houses professionals such as lawyers, doctors or insurance Consultants. These types of businesses usually have citywide clientele, and the move would not likely result in a loss of patronage. Each case needs to be looked at individually.
- Loss of existing patronage will be determined by comparing the net annual dollar volume of the business (net earnings) with the estimated net earnings of the business for the 12-month period following relocation.

The following are some situations that may create a substantial loss of existing patronage:

- The displaced business occupied rented quarters and the only available replacement sites for rent are so costly that the net income of the business would be reduced substantially and could not be operated profitably at a new location.
- Substantial additional expense for the move which may not be compensable, such as downtime during the move, the need to borrow additional capital, the inability of the business owner to secure additional financing, the need to use other business resources for a new plant, and any other unforeseen cost of this nature.
- The business may have been located in a low-rent area that permits the owner of a small, low-volume business to be competitive. If the business is required to relocate into a higher rental area, it could incur a substantial loss of net earnings due to increased operating costs.
- The type of business will not stand the move to a new customer area. This condition must be fully investigated and documented.
- The nature of the clientele is such that repeat customers will not travel to the new location.
- The replacement site may not be economically feasible for the elderly, ill or handicapped.
- Requirements of local zoning ordinances, building codes, health and safety codes, etc., which may make moving impossible or uneconomic.
- The Relocation Consultant will conduct a thorough search for replacement sites, check with local authorities as to zoning, etc. All allegations made by the displaced

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business that a move cannot be made without a substantial loss are to be investigated by the Relocation Consultant. Comment on the validity of the displacee's claim must be included in the transmittal memorandum attached to the claim.

- The business is not part of a commercial enterprise that has three other entities that are not being acquired by the City, and which are under the same ownership and engaged in the same or similar business activities.
- The business is not operated solely to rent dwellings to others.
- The business is not operated solely to lease sites to others.
- The business contributes materially to the income of the displaced person during the two taxable years prior to displacement.

Payment Calculations

- Average Annual Net Earnings - Average annual net earnings include any compensation paid by the business to the owner, spouse or dependents during the 2-year period. As to a corporate owner of a business, earnings include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. For the purpose of determining majority ownership, stocks held by a husband, wife and their dependent children, will be treated as one unit.
- Compensation paid to the owner is not limited to wages and may include contributions by the business on behalf of the owner to pension or profit-sharing plans. State or Federal tax returns for the years in question are the best source of this information and will be accepted as evidence of the business earnings.
- If a loss of net income occurs in one year and a gain in the other year, the income of the year in which the loss was incurred will be computed as zero when determining the average net income for the 2-year period.
- Business Loss - Carry-Back/Carry-Over - Since carry-back would distort the true income picture of the business for the tax years involved, they will not be considered when determining average annual net earnings. The Relocation Consultant will use the net earnings to the business as shown on Federal and State returns in determining the average annual net earnings over the two years preceding actual displacement. If the Federal return shows carry-over losses that result in net earnings less than those shown on the State return, then the net earnings shown on the State return will be used for computation of average annual net earnings to the business.
- Alternate Tax Years - If the two taxable years immediately preceding displacement are not representative of the average annual net earnings of the business, a more representative 2-year period, beginning not earlier than two years prior to initiation of negotiations on the project, may be used. The need for alternate tax years must result from the adverse impact of the proposed construction causing a sufficient outflow of customers to result in a decline in net income for the business. Other factors, such as competitive businesses moving into the area, increases in business overhead costs such as rents, taxes and wages, declines in public

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demand for the goods or services offered, etc., may be the reason for a decline in net income and would not justify use of alternate tax years.

- Business owners seeking use of the alternate tax year provision must provide information to support their contentions. Tax returns for the alternate 2-year period and for the two tax years immediately preceding the year of displacement and other years within that period that document the decline in net income must be provided.
- Payments based on alternative tax years require prior approval of the ROW Team.
- In Business Less than Two Years - If the business affected can show that it was in business at least 12 consecutive months during the two taxable years prior to the taxable year in which displacement occurs, had income during such period, and is otherwise eligible, the owner of the business is eligible to receive the in-lieu payment. Where the business was in operation for 12 consecutive months or more, but was not in operation during the entire two preceding taxable years, the payment will be computed by dividing the net earnings by the number of months the business was operated and multiplying by 12. A taxable year is defined as any 12-month period used by the business in filing income tax returns.
- If a business has been in operation for only a short period of time (e.g., 6 months) prior to displacement, the fixed payment will be based on the net earnings of the business at the displacement site for the actual period of operation projected to an annual rate. The existing net earnings income data will be extrapolated and used to project what the net earnings could have been if the business had been in operation for a full year. If the business is seasonal, this fact will be considered in the computations.
- A nonprofit organization may choose a fixed payment of **\$1,000 to \$53,200** in lieu of actual moving costs and related expenses and reestablishment expenses. To qualify, the Relocation Consultant must determine that:
 - The organization cannot relocate without a substantial loss of existing patronage, membership, or clientele.
 - The organization has an exempt status with the Internal Revenue Service. The organization must provide proof of its nonprofit status by any combination of legal documents that define the nature, character, and mission of the organization and by providing its Federal Tax Identification number.
- To receive any payment more than \$1,000, the nonprofit organization must provide financial statements for the two 12-month period prior to displacement.

The ROW Team, upon approval of a Claim for Fixed Payment in Lieu of Payment for Actual Moving and Related Expenses, will submit the Claim Package to the Director of Public Works for approval of the Payment Request.

Upon receipt of the check for the in-lieu payment, the ROW Team will enter the relevant information into the financial system.

3.6.4 Compensation for Loss of Goodwill



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When an eligible business is compensated through the acquisition process for the loss of goodwill and has received, or subsequently applies for, a Fixed Payment In-Lieu of Actual Moving Expenses, that portion of the in-lieu payment considered to be compensation for loss of goodwill shall be the difference between the total calculated in-lieu payment and the sum of the estimated moving costs, direct losses of tangible personal property and search costs. The displacee must be advised in writing that this amount is a deduction from the award for loss of goodwill. Therefore, if whenever a claim for a Fixed Payment In-Lieu of Actual Moving Expenses is approved and a check issued to a business owner making a claim for a loss of good will, the ROW Team, will advise the City's Special Legal Counsel of the in-lieu payment to the business owner.

3.6.5 Moving Costs - Types of Payments

The eligible expenses for moving a business operation include those expenses described above. The personal property to be moved is determined by a certified inventory from a business owner and may select one or a combination of two methods: a commercial mover and/or self-move.

- Move by Commercial Carrier. Payment is based on the actual reasonable and necessary cost of a move performed by a commercial mover or contractor. The following are requirements for payment:
- The business owner will secure at least two written bids "not to exceed" bids based on the Certified Inventory from qualified movers and submit them to the Relocation Consultant for approval prior to the move. The Relocation Consultant can also assist with securing these bids as provided by the advisory assistance. The displacee must inform the bidders that the move is to be paid by the City and that the bid must contain the following statement:
 - *"As this move is the result of displacement from real property acquired for public purposes and the cost is to be borne by the City, the costs and charges for this move are exempt from regulations by the Public Utilities Commission. The cost of performing the work in connection with this move will not exceed the cost quoted within. All work performed under this bid shall be accomplished in a good and workmanlike manner and in accordance with standards normally applied by the industry. The company shall be responsible for the actual cash value of all loss or damage incurred in the performance of the work."*
- This statement will be on moving company letterhead and signed by a person authorized to bind the firm. Ordinarily, a salesman's signature is not acceptable. Bids submitted without this statement may be rejected.
- Upon receipt of proper bids, the Relocation Consultant will authorize the owner to employ the lowest bidder who meets the minimum requirements to perform the move.
- Payment will be made by the City upon presentation of the paid, receipted, and itemized bills. Such bills must be signed by a responsible employee of the moving

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company. Written pre-arrangements or assignments to pay the mover directly may be used. Payments in excess of the authorized amount will not be made.

- Self-Move: Payment for self-moves may be approved only in an amount not to exceed the lower of two (2) acceptable bids or estimates obtained by the City from a qualified mover or prepared by a qualified staff person.
- The business owner must prepare a current (within 30 days of the move date) Certified Inventory list of all personal property to be relocated. It is the responsibility of the Relocation Consultant to compare the Certified Inventory with the list of items of real property acquired. The business owner must certify that to the best of his knowledge, the inventory represents a complete list of all the items of personal property subject to moving and that none of the items have been acquired or are proposed to be acquired as part of the real estate. (**Form 18**).
- The Certified Inventory is to be in sufficient detail to allow a ready identification of all items to be relocated. Given the variety of businesses that will be encountered, there is no standard inventory format. When dealing with stock-in-trade (such as a grocery store), the Certified Inventory should be in the same format and detail as would be customary for that business or trade. If an inventory is of such magnitude and complexity as to defy description, consideration should be given to describing it in gross terms of weight, volume or other reasonable measures and accompany that description with photographs, where appropriate.
- Two firm bids reflecting only the items on the Certified Inventory must be obtained by the Relocation Consultant from qualified moving firms. The Relocation Consultant will ensure that all provisions are in the estimates. When the City pays for estimates, this statement must be attached:

"This estimate was prepared for the City Relocation Assistance Program as a basis for determining the maximum reimbursement that can be claimed by displacees who intend to perform a "self-move" claim.

- Regulations specify that moving expenses be actual and reasonable. To fulfill the intent of the regulations, it is expected that the "negotiated" amount be reasonable and representative of the owner's expected cost. The low bid is automatically used as the basis for the Self-Move Agreement.
- The agreed-upon amount to be paid the displaced business for a self-move will not include specialized moving costs which are to be performed by others, such as computer systems, telephone, fire and burglar alarm reinstallations. The costs for these specialized operations are to be separately itemized and documented for reimbursement following the completion of the work.
- The authorization for a self-move will be a written agreement executed by the displaced business owner and the ROW Director. If the actual cost for the move is greater than the sum in the executed Business Self-Move Agreement (**Form 20**), it must be formally amended to reflect the revised amount. This will only be done if the difference is documented, and the total is not more than the low bid.
- If the displacee decides to employ additional labor, equipment, etc., to relocate the business more effectively, these costs will not be reimbursed.

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- Upon completion of the self-move, the Relocation Consultant will verify that all items listed in the Certified Inventory were actually relocated. Those items that the owner elects not to relocate may be claimed under actual direct losses as described above. If, upon inspection, the Relocation Consultant determines that the items listed on the owner's inventory deviate to any significant extent from the items actually relocated, the amount previously agreed to will be revised accordingly.

3.6.5.1. Self-Move Agreement

The Self-Move Agreement (**Form 20**) will stipulate:

- That payment for moving shall include the cost for moving and reinstalling only that personal property listed on the Certified Inventory furnished by the business owner and attached as an Exhibit to the Self-Move Agreement;
- That no claim for payment will be honored by the City until the move has been completed (unless the agreement provides for partial payment);
- That the displacee agrees to certify when submitting his claim for payment that items listed on the Certified Inventory Exhibit were actually relocated to the replacement site and, if the Relocation Consultant finds upon inspection, that any of the said items were not relocated for any reason whatsoever, an appropriate reduction in the agreed amount can be made by the City;
- That claims will be submitted within 18 months of the date of moving;
- That the displacee agrees to allow a representative of the City to monitor the move as needed and such monitoring will not carry with it any liability or responsibility on the part of the City or its representative;
- That neither the City nor its representative will be responsible for any damage or liability incurred by reason of anything done or omitted to be done by the displacee in connection with the agreement;
- That in the event the actual cost of the move exceeds the amount agreed upon, only those additional costs which can be shown to have been required to complete the move will be reimbursed and, under no circumstances, can the total cost exceed the lowest bid or estimate obtained by the City before the self-move was approved. If an amount greater than the negotiated amount is to be claimed, the Self-Move Agreement will be amended, the actual costs for the entire move must be itemized and documented in support of the claim, and all books and records kept by the displacee as to the actual moving expense incurred will be subject to review and audit by a City representative during reasonable business hours. (This clause is not applicable if the low bid or estimate is the basis for the Self-Move Agreement.)
- Any other provisions deemed necessary and prudent by the City.

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- The Self-Move Agreement must be signed by the business owner, the relocation consultant and an authorized representative of the City.

3.6.5.2. Self-Moves, Bids Not Obtainable

If the City determines that bids or estimates cannot be obtained or if circumstances (such as large fluctuations in inventory) prevent reasonable bidding, the displaced business may be paid its actual, reasonable moving costs if the costs are supported by receipted bills or other evidence of expenses incurred. The allowable expenses of a self-move under this provision may include:

- Amounts paid for truck and/or equipment hired.
- If vehicles or equipment owned by a business being moved are used, a reasonable amount to cover gas and oil, and the cost of insurance and depreciation allocable to hours and/or days the equipment is used for the move.
- Wages paid for the labor of persons who physically performed the move. Labor costs are to be computed on the basis of actual hours worked at the hourly rate paid, but the hourly rate cannot exceed that paid by commercial movers or contractors in the locality for each profession or craft involved.
- If a business proposes to use working foremen or group leaders regularly employed by the business to supervise services in connection with the move, the amount of their wages covering time spent in actual supervision of the move may be included as a moving expense.

The Relocation Consultant, with City approval, may consider utilizing private consultants who guarantee their bids if bids are not otherwise obtainable. The following statement must be attached to the bids or estimates prepared by private consultants:

"This estimate was prepared for the City Relocation Assistance Program as a basis for determining the maximum reimbursement that can be claimed by displacees who intend to perform a "self-move" claim.

3.6.5.3. Notification and Inspection

To qualify for reimbursement under a self-move, the displacee must:

- Provide the City (Relocation Consultant) with a certified list or inventory of the items to be moved at least 30 days in advance of the move; and
- Notify the City (Relocation Consultant) at least 15 days in advance of the date of the start of or disposition of the personal property; and
- Permit the City (Relocation Consultant) to make reasonable and timely

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inspections of the personal property at both the displacement and replacement sites; and

- Permit the City (Relocation Consultant) to monitor the move at all times.

The Relocation Consultant may deny payment if the displaced person does not provide reasonable advance notice of the approximate date of start of the move, disposition of the personal property, and/or the list of items to be moved. The file must be properly documented.

The Relocation Consultant will stress this notification requirement to the displacee prior to the anticipated move date and as part of the advisory and written information.

3.6.5.4. Additional Eligible Costs

Under a Self-Move Agreement, labor for supervision of the move and overtime may be eligible if the Relocation Consultant confirms that supervision is not in the bid. The procedure is:

- Supervisory Costs: The Relocation Consultant must determine in advance of the move that supervision by the displaced business owner is necessary to preclude harmful disruptions. To qualify for the payment, the displacee must, before starting the move, submit a written request fully justifying the need. The request must also identify the supervisors, who and what they supervise, and their wages. These wages may not exceed the rate paid by movers for the same type of work.
- Overtime Costs: These costs may be reimbursable if it can be shown before the move that the use of overtime will preclude serious disruption of business. To qualify, the same justifications as in 1) above must be submitted. All bids or estimates must show separate amounts for the overtime. Claims will document and identify these costs separately.
- Combination Self-Move/Actual Cost Move: Combination self-move/actual cost moves are allowable. Self-move procedures described above will be followed for that portion of the move. Actual cost move procedures will be followed for that portion of the move performed by a commercial carrier or contractor.

3.7 RELOCATION APPEALS (GENERAL)

The City Relocation Appeals Procedure will be described in all printed matter explaining the City's Relocation Assistance Program, including the General Information Notice (Relocation Brochure) distributed at public hearings and/or to individual displaced persons.

A displacee's right to appeal will also be mentioned whenever any verbal presentation is made at public hearings covering relocation assistance.

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On relocation calls, the Relocation Consultant will provide the following information to the displaced person:

- How to make an appeal.
- Appeals must be filed with the City no later than six months following the deadline for filing claim for a relocation payment.
- The right to personally appear at all hearings.
- The right of appeal relates only to the Relocation Assistance Program and not to the market value of the property or to the terms of the acquisition agreement for the real estate.
- Appeal decisions will be made in writing.
- The City Relocation Appeals Procedure and Appeal Form will be provided to the displacee upon request.
- The right of the displacee to pursue legal action after completion of the appeal process.

3.7.1 Review of Files by Appellant

The following materials will be classified as confidential by the City and not allowed to be inspected or copied by the appellant:

- The Relocation case file diary.
- Correspondence to and from Legal Counsel.
- That additional material determined by City Legal Counsel, on a case-by-case basis, to be confidential and unavailable to the appellant.

The City will set a reasonable time limit for the appellant to review the file, taking into consideration that Legal Counsel must first review the case file to determine which material is confidential and which is not confidential. The City may also charge reasonable fees for any copied material.

3.7.2 Appeals Process

3.7.2.1. Filing An Appeal

When a person is dissatisfied with a payment or determination of eligibility, a Relocation Assistance Appeal Form (**Form 21**) or any other written form of appeal must be filed. The Relocation Appeals Process (**Form 22**) describes the appeal process and procedure and will also be provided.

3.7.2.2. Resubmission Of Appeals

If the appellant does not perform those acts necessary to establish eligibility pursuant to prescribed procedures and the appeal has been heard and denied, no additional appeals will be permitted until appellant has established such eligibility. After the appellant has established eligibility, the appellant will be

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allowed one additional appeal.

3.7.2.3. Payment of Approved Claims

When a claim for payment is submitted pursuant to an appeals decision, a copy of the decision and recommendation for payment will be attached to the claim.

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4.0 FORMS

1A	General Information Notices – Relocation Benefits for Businesses, Farms, and Non-profit Organizations
1B	GIN -Certification of Lawful Presence - Non-Residential
2	Relocation Brochure
3	Notice of Relocation Eligibility – Business
4	Right to Claim Loss of Goodwill Letter (Same as Form 12 in Acquisition Procedures)
5	Receipt of Relocation Information
5A	Relocation Information Checklist (Optional to be used by Relocation Consultant)
6	Business Occupant Interview Form
8	IRS Form 4506 – Request for Copy of Tax Returns (same as Form 14 in the Acquisition Procedures)
9	Notice of Intent to Acquire - Owner
10	Notice of Intent to Acquire - Tenant
11	Waiver of Relocation Assistance Benefits
13	90-Day Informational Notice to Vacate – Business
13A	90-Day Notice to Vacate
14	30-Day Notice to Vacate – Business
15A	Payment In Lieu Claim Form
15B	Claim for Business Moving and Related Expenses
18	Certified Inventory
20	Self-Move Agreement
21	Appeal Form
22	Relocation Appeals Process
23	Certification Concerning Legal Residency
24	Title VI Brochure
25	Certificate of Abandonment Form
26	Referral Site Evaluation
27	Notice of Eligibility- Non-Occupant Owner Leasing Space to Others
28	Loss of Rent Agreement

Last update: October 1, 2025