
WHEREAS, the City of Kent has in the past acquired real property rights and property interests, and

WHEREAS, some of the acquisitions have been funded either wholly or in part by Federal or State grants, and

WHEREAS, it is anticipated that the City will be involved in future acquisitions funded either wholly or in part by Federal or State grants, and

WHEREAS, it is necessary for the City to provide assurances to both Federal and State authorities that it will treat all persons fairly and justly when acquiring property or property rights, and

WHEREAS, the City has developed guidelines to assure that all Federal and State requirements are met when acquiring real property or property rights, and

WHEREAS, said guidelines are contained in a document entitled "Municipality of City of Kent Regulations Implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Acts of 1970 and 1971", NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. That certain document entitled "Regulations Implementing the Relocation and Real Property Acquisition Policies Acts of 1970 and 1971" attached hereto as Exhibit A and incorporated herein by reference be and the same hereby is adopted in its entirety.

Section 2. Amendments, revisions, changes or additions may be made at any regular meeting of the City Council upon motion
duly made seconded and passed.

Section 3. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 5 day of July, 1977.
APPROVED the 6 day of July, 1977.
PUBLISHED the 10 day of July, 1977.

I hereby certify that this is a true copy of Ordinance No. 2037, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK
The State of Washington has advised us that there have been some changes in the Federal Acquisition and Relocation Policies since the adoption of Ordinance #2037 (City's Acquisition/Relocation Policy).

For the purpose of securing Federal Aid for City projects, the following changes and/or additions must be made within Ordinance #2037.

**CHANGES**

Part (3) Section 14 on page 14, omit the words "within 15 days or less after" and replace with the words "upon initiation of negotiations with the owner"

Part (B) Section 19 on page 20, omit the words "except as provided in section 30 (d)"

Part (a) Section 39 on page 35, omit the word "must" and replace with the word "may"

Section 14 pages 12 and 13, part (1)C, Part (2)C and Part (3)D change to read "The State of Washington, Department of Transportation acquisition brochure".

**NEW SECTION**

Section #55

The City of Kent, to promote uniform and effective administration of relocation assistance programs, will utilize the Washington State Department of Transportation publication #M26-01(HW) Chapter 12 "Right-of-Way Agents Manual" as a guideline in conducting the City's relocation programs in Federal Aid projects.

A - In a Settlement at the amount set forth in the fair offer letter, payment may be made by any person. However, in an administrative or stipulated settlement, payment may not be made by the person who negotiated the settlement.

B - Administrator of Settlements. City Attorney

C - Review Appraisers. City Attorney, Property Manager, Property Title Analyst.

D - Appraisers. City Attorney, Property Manager, Property Title Analyst.


* Job descriptions attached.
ADDITIONS TO EXISTING SECTIONS

Add "Appraisals are not to give consideration nor include any allowance for relocation assistance benefits" to the first paragraph under Section 47 on Page 40.

Add "No property owner can voluntarily donate his property prior to being informed of his right to receive just compensation" to Section 46 Part C as number 6 on page 40.

Add "Provisions will be made for rodent control should it be necessary" to Section 41 on page 36.
ADDENDUM TO CITY'S RELOCATION AND ACQUISITION POLICY

Whenever the City is utilizing funds from any outside agency, the City will comply fully with all rules, regulations, guidelines and procedures of such agency.

When any project in which the City is engaged may result in the necessity to relocate any person or persons, agricultural operations, business or industrial operations, the City of Kent will contract with an outside agency to provide relocation assistance to those affected by the project.

The City may also contract with an outside agency to provide property and property rights acquisition assistance when involved in any project in which compliance with the provisions of the Federal Acquisition and Relocation Assistance Act may be required.

The above stated provisions relating to relocation and acquisition assistance assume either (1) that the City does not have a sufficiently sized or technically trained staff to implement relocation or acquisition requirements of Federal or other outside agencies, or (2) that the timing of a particular project is such that staff personnel are not available to implement relocation or acquisition requirements at that particular time. If neither one or two apply, then the City will perform the required relocation and acquisition functions with its own staff personnel.
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MUNICIPALITY OF CITY OF KENT

Regulations Implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Acts of 1970 and 1971

Ordinance No. 2037

Adopted 7-5-77
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GENERAL

PART A - SECTION 1

PURPOSE

These regulations are designed to insure that the City acts in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1971, RCW 8.26. These regulations should be applied to any project undertaken by the City which involves the acquisition of real property or the displacement of any person.

SECTION 2

DEFINITIONS

For the purposes of these regulations, the following terms are defined:

(a) The term "person" means any individual, partnership, corporation, or association.

(b) The term "family" means two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of a household, they shall be treated as one family for replacement housing payment purposes.

(c) The term "initiation of negotiations" means the date the City makes its first personal contact with the owner of real property, or his representative, during which the price of the property to be acquired is discussed.

(d) The term "dwelling" means the place of permanent or customary and usual residence of an individual or family, and includes a single-family unit in a multi-family building, a unit of a condominium or cooperative housing project, a mobile home which qualifies as realty under state law or cannot be moved without substantial damage or unreasonable cost, or any other residential unit.

(e) The term "economic rent" means the amount of rent a tenant or homeowner would have to pay for a dwelling comparable to the acquired dwelling in a similar area.

(f) A "comparable replacement dwelling" is one which is:

(1) Decent, safe, and sanitary as defined in Section 3 of these regulations.
(2) Functionally equivalent and substantially the same as the acquired dwelling with respect to:
   (a) Number of rooms
   (b) Area of living space
   (c) Type of construction
   (d) Age
   (e) State of repair

(3) Is open to all persons regardless of race, color, religion
      sex, or national origin.

(4) In an area not generally less desirable than the dwelling to be acquired in regard to:
   (a) Public utilities
   (b) Public and commercial facilities
   (c) Neighborhood conditions, including municipal services, and environmental considerations

(5) Reasonably accessible to the place of employment, or potential place of employment, of the head of the displaced family, or the displaced individual, as the case may be.

(6) Adequate in size to accommodate the needs of the displaced individual or family.

(7) In an equal or better neighborhood.

(8) Available on the market.

(9) Within the financial means of the displaced family or individual.

(g) The term "business" means any lawful activity, other than a farm operation, conducted primarily:
   (1) For the purchase, sale, lease, or rental of personal and real property, or for the manufacture, processing, or marketing of products, commodities, or any other personal property; or
   (2) For the sale of services to the public; or
   (3) By a non-profit organization.

(h) The term "non-profit organization" means a corporation, partnership individual, or other public or private entity engaged in a business, profession, or instructional activity on a non-profit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of a business, profession, or institutional activity on the premises.
(i) The term "farm operation" means a lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of providing at least one-third of the operator's income. However, in instances where such operation is obviously a farm operation, it need not contribute one-third to the operator's income for him to be eligible for relocation payments.

(j) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of this State, together with the credit instruments, if any, secured thereby. The term "mortgage" in these regulations shall include real estate contracts.

(k) The term "own" means holding any of the following interests in a dwelling, a contract to purchase one of these interests, or evidence of impending succession to one of these interests by devise or operation of law:

1. A fee title
2. A life estate
3. A 99-year lease
4. A lease with at least 50 years to run from the date of acquisition of the property
5. An interest in a cooperative housing project which includes the right to occupy a dwelling

(1) The term "City" means the municipality of "City of Kent", any of its agencies or departments, and any agency or organization contracting with the municipality of "City of Kent" to provide relocation or land acquisition services.

SECTION 3

STANDARDS FOR DECENT, SAFE & SANITARY HOUSING

(a) A decent, safe, and sanitary dwelling is one which

1. Conforms to applicable State and local building, plumbing electrical, housing and occupancy codes, or similar ordinances or regulations for existing structures.
2. Has a continuing and adequate supply of potable, safe water.
3. Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to
hot and cold water and an adequate sewage system. A stove and refrigerator in good operating condition shall be provided when required by local codes, ordinances, or custom. When these facilities are not so required by local codes, ordinances, or custom, the kitchen area or areas set aside for such use shall have utility service connections and adequate space for installation of such facilities.

(4) Has an adequate heating system in good working order capable of maintaining a minimum temperature of 70 degrees in the living area under local outdoor design temperature conditions.

(5) Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system.

(6) Has an adequate and safe wiring system for lighting and other electrical services.

(7) Is structurally sound, weather-tight, in good repair, and adequately maintained.

(8) Each building used for dwelling purposes shall have a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multi-dwelling building must have access either directly or through a common corridor to a means of egress to an open space at ground level. In multi-dwelling buildings of three stories or more, the common corridor for each story must have at least two means of egress.

(9) Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square feet for mobile home) of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking, or dining purposes and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms,
connecting corridors, laundry and unfinished attics, foyers, storage spaces, cellars, utility rooms, and similar spaces.

(b) The standards for decent, safe and sanitary housing as applied to "rental" of sleeping rooms shall include the minimum requirements contained in Section 3 (a)(1), 3(a)(2), (4), (6), (7) and (8) and the following:

(1) At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

(2) Provides use of a bathroom, well lighted and ventilated and affording privacy to an individual within it, including a door that can be locked if the facilities are separate from the sleeping room, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system.

(c) Exceptions may be granted to decent, safe and sanitary standards but exceptions should be limited to items and circumstances that are beyond the reasonable control of the displaced person. Approved exceptions shall not affect computations of the replacement housing payment.

SECTION 4
DISPLACED PERSON DEFINED

(a) The term "displaced person" means any person who moved from real property, or moves his personal property from real property as a direct result of:

(1) The acquisition of such real property in whole or in part, or
(2) a written notice from the City of its intent to acquire the real property by a definite date; or
(3) a written order from the City to vacate the real property.

(b) For the purposes of Parts B and C only, the term "displaced person" shall include a person who vacates other real property on which such person conducts a business or farm operation as a direct result of:

(1) The acquisition by the City of such real property; or
(2) a written notice from the City of its intent to acquire the real property by a definite date; or

(3) a written order from the City to vacate the real property.

c) A person may qualify as a displaced person regardless of the method of acquisition or the name or status of the person who acquires or holds fee title to the property.

d) A person does not qualify as a displaced person under paragraph (a) (1), (a)(2), (b)(1), or (b)(2) of this section until:

(1) The City becomes entitled to possession of the real property under an agreement or a court order in a condemnation proceeding for acquiring the property;

(2) the owner conveys title to the real property to the City; or

(3) the owner and the City enter into a contract for the purchase of the real property, but only if the real property is not to be reoccupied before the City acquires title or the right of possession.

e) A person, other than the former owner or tenant, who enters into rental occupancy of real property after its ownership passes to the displacing agency, does not qualify as a displaced person.

(f) The term "displaced person" DOES NOT INCLUDE persons who occupy property subsequent to other persons in occupancy of the same property at the initiation of negotiations for the property or at the time written notice of intent to acquire or to vacate is issued by the displacing entity, whichever is earlier.

SECTION 5
PRELIMINARY REQUIREMENTS

Before the City begins a project involving the displacement of any person, it shall:

(a) Make preliminary investigations to determine--

(1) The approximate number of persons that will be displaced, including the number of businesses and farm operations; and

(2) The probable availability of comparable replacement dwellings, businesses and farms

(b) Prepare a statement indicating:

(1) The basis for the date required by paragraph (a) of this section;
(2) The displacement problems involved at each identifiable location, along with possible solutions; and

(3) If the data required by paragraph (a) of this section disclose that the comparable replacement dwellings will be insufficient to meet the displacement needs of the project, the actions proposed to insure that the necessary dwellings will be available in advance of any displacement.

If a public hearing is held concerning the project, the City shall prepare the information required by paragraph (b) of this section in advance of that hearing.

SECTION 6
CONSTRUCTION & FUTURE AMENDMENTS

(a) In accord with Section 1, these regulations shall be construed consistently with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) Any amendment, amendments, addendum or addendums to the Act pertaining to relocation assistance and real property acquisition shall be incorporated into and become a part of these regulations, to be effective on the effective date of the amendment or addendum.

PART B - RELOCATION ASSISTANCE ADVISORY PROGRAM
SECTION 7 - SCOPE OF WORK

The City shall carry out a relocation assistance advisory program including:

(a) The assignment of one or more individuals whose primary responsibility is to provide relocation assistance to each project involving the displacement of any person. These individuals may have responsibility for more than one person where reasonable.

(b) The establishment of a local relocation office reasonably convenient to public transportation or within walking distance of each project if the City determines that the volume of work or the need of the displaced persons are such as to justify the establishment of such an office. The determination whether or not to establish a local relocation office shall be made on an individual project basis and submitted to the head of the City for their approval or disapproval. These offices shall be open during hours convenient to the persons to be relocated, including evening hours when necessary. Consideration should be given to the employment of people who are familiar with the problems of the area.
(c) The maintenance of the following information for each project:

1. Current and continuing lists of replacement dwellings available to persons without regard to race, color, religion, or national origin drawn from various sources, suitable in size, price, and conditions for displaced persons.

2. Current and continuing lists of comparable commercial properties and locations for displaced businesses.

3. Current information concerning such costs as securing deposits, closing costs, typical down payments, interest rates, and terms for residential real property in the area.

4. Maps showing the location of schools, parks, playgrounds, shopping, and public transportation routes in areas where applicable.

5. Schedules and costs of public transportation where applicable.

6. Copies of the City's brochure explaining its Relocation Program, local ordinances pertaining to housing, building codes, open housing, consumer education literature on housing, shelter costs, and family budgeting.

7. Subscriptions for apartment directory services, neighborhood and metropolitan newspapers, and where available, multiple listing services.

SECTION 8
COORDINATION WITH OTHER AGENCIES

(a) The employees assigned by the City to provide relocation assistance shall maintain contact with other agencies providing services useful to persons who will be relocated. Such agencies may include but not be limited to social welfare agencies, urban renewal agencies, redevelopment authorities, public housing authorities, the Department of Housing and Urban Development, Veterans Administration, and Small Business Administration.

(b) Such employees shall collect and maintain information on private replacement properties, through contacts with local sources of information, including real estate brokers, real estate boards, property managers, apartment owners and operators and home building contractors.
(c) The City shall coordinate its relocation assistance activities with Department of Housing and Urban Development and Veterans Administration programs which provide for making properties acquired by them available for direct sales to persons to be relocated as a result of government action.

(d) The City shall establish channels of communication and coordinate its displacement activities with other agencies planning on carrying out relocation in the affected area; the City shall designate at least one representative who will meet periodically with the representatives of other displacing agencies to review the impact of their respective programs on the area.

SECTION 9
ELIGIBILITY

Relocation assistance advisory service shall be offered to:

(a) All persons occupying property to be acquired.

(b) All persons occupying property immediately adjacent to the real property acquired when the City determines that such person or persons will be caused substantial economic injury as a result of the project.

(c) All persons who, because of the acquisition of real property used for a business or farm operation moves from other real property used for a dwelling, or moves his personal property from such other real property.

SECTION 10
MINIMUM PROGRAM REQUIREMENTS

The City's relocation assistance advisory program shall include as a minimum such measures, facilities, or services as may be necessary or appropriate to:

(a) Explain the relocation assistance and payments available to displaced persons.

(b) Assist displaced persons to complete applications required for payments.

(c) Determine the need, if any, of displaced persons for relocation assistance.

(d) Provide current and continuing information on the availability, price and rentals of comparable replacement dwellings and of comparable commercial properties and location for displaced
businesses and farms.

(e) Assist a person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location.

(f) Supply information, when applicable, concerning Federal and State housing programs, and other Federal or State programs offering assistance to displaced persons.

(g) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to a new location.

(h) Assist each individual or family in obtaining and moving to a comparable replacement dwelling.

(i) Certify to any interested party, financial institution, or lending agency that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he purchases and occupies a decent, safe, and sanitary dwelling within the prescribed time limit, if requested by said homeowner or tenant who has not yet purchased and occupied a comparable replacement dwelling, but who is otherwise eligible for a replacement housing payment.

SECTION 11
PUBLIC INFORMATION: HEARINGS & BROCHURE

(a) In order to assure that the public has an adequate knowledge of the relocation program the City should present information and provide opportunity for discussion of the relocation services and payments at public hearings, prepare a relocation brochure, and give full and adequate public notice of the relocation assistance program. Information presented at public hearings shall include, but not necessarily be limited to:

(1) The eligibility requirements and payment procedures including:

   (a) Eligibility requirement and payment limits for moving costs.

   (b) Replacement housing payment eligibility requirements and payment limits.

   (c) Mortgage interest rate differential eligibility requirements and payments.

   (d) Payment of closing costs incidental to the purchase of a replacement dwelling.

   (e) Appeal procedures.
(2) The services available under the City's relocation assistance advisory program in accordance with Section 7-b, the address and telephone number of the local relocation office, and the name of the relocation officer in charge.

(3) An estimate of the number of individuals, families, businesses, and farm operations to be relocated.

(4) An estimate of the number of dwelling units presently available that meet the replacement housing requirements.

(5) An estimate of the time necessary for relocation and the number of dwelling units meeting the replacement housing requirements that will become available during that period.

(b) The City shall prepare a brochure describing its relocation program and distribute it without cost at all public hearings and to any displaced person upon request. The brochure shall state where copies of regulations implementing the relocation assistance program can be obtained.

SECTION 12
PUBLIC INFORMATION: NOTICES

Within 15 days after approval to begin any phase of a project which will cause the displacement of any person, The City shall post notices of acquisition in adequate numbers and in places accessible to occupants of dwellings to be taken for the project. In addition, an adequate number of advertisements should be run in newspapers normally read by occupants of dwellings to be taken. The posted notices and newspaper advertisements should--

(a) State the date approval was given for that phase of the project;
(b) Define the area of the project;
(c) Advise occupants of the area of the eligibility requirements for receiving moving and replacement housing payments;
(d) Advise occupants to notify City before moving to insure eligibility for moving and replacement housing payments;
(e) Advise homeowners that to be eligible for relocation benefits they must sell to City; and
(f) State where the brochure describing the relocation program may be obtained.

SECTION 13
INFORMATION FOR DISPLACED PERSONS

(a) The City shall deliver to each prospective displaced person either in
person or by certified or registered first-class mail, return receipt requested—

(1) A brochure explaining the relocation assistance advisory program; and

(2) If it is not included in the brochure, a notice stating the eligibility requirements for payments for replacement housing and moving expenses.

(b) In addition to the information furnished under paragraph (a) of this section, the City shall notify each homeowner and tenant that will be displaced, either in person or by certified or registered first-class mail, return receipt requested, a written statement setting forth the optional types and amounts of replacement housing payments to which they may be entitled.

(c) The information required by paragraphs (a) and (b) of this section must be furnished—

(1) To homeowners not later than the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(2) To tenants within seven days after the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be.

(d) The City shall notify each prospective displaced person of his right of appeal under Section 17.

(e) The City shall advise all displaced persons that no payment received for moving and related expenses under Part C of these regulations or for replacement housing under Part D of these regulations shall be considered as income for the purposes of the Internal Revenue Code of 1954, or for the purposes of determining eligibility of any person for assistance under the Social Security Act or any other Federal Law.

SECTION 14
WRITTEN NOTICES

The following written notices will be furnished to each displaced person by certified or registered first-class mail, return receipt requested, or personally, to ensure that he is fully informed of the benefits and services available to him.
(a) **Notice of Intent to Acquire.** A notice of intent to acquire real property will be furnished to owners and tenants along with the brochure as described in Section 13 whenever the City decides to establish eligibility for relocation benefits prior to the initiation of negotiations for acquisition of property. This notice shall not be issued prior to the City's authorization of the initiation of negotiations on the project or authorization of acquisition of individual parcels solely for protective buying or because of hardship. Such notice shall contain a statement describing eligibility requirements for relocation payments, the anticipated date of initiation of negotiations for acquisition of the property, and how additional information pertaining to the relocation assistance payments and services can be obtained. If a notice of intent to acquire is furnished an owner, it must also be furnished to his tenant within 15 days or less. If a notice of intent to acquire is furnished to a tenant, do not contact the tenant first.

(b) **Notice of Initiation of Negotiations.** At the time of initiation of negotiations for acquisition of real property, the following information shall be furnished:

1. **Owner-Occupants of More than 180 Days.** Simultaneously with the fair market value offer, owner-occupants of more than 180 days shall be furnished:
   
   a. A statement which specifies the maximum allowance to which he is entitled for the purchase of a replacement dwelling.
   
   b. An explanation of the eligibility requirements for payment for replacement housing, increased interest costs, and incidental expenses, and of his option to rent replacement housing, unless these requirements and options are adequately explained in the brochure.

2. **Owner-Occupants of Not Less than 90 Days.** Simultaneously with the fair market value offer, owner-occupants of not less than 90 days shall be furnished:

   a. A statement which specifies the maximum allowance to which he is entitled for the purchase of a replacement dwelling.

   b. An explanation of his option to receive reimbursement for a down payment and the incidental expenses of purchasing replacement housing and the requirements therefore, and of his option to
replacement housing unless such requirements and option are adequately explained in the brochure.

(c) The brochure

(3) Tenants. Within 15 days or less after initiation of negotiations, tenants shall be personally contacted and furnished in writing:

(a) A statement indicating the date of initiation of negotiations for the payments.
(b) A statement specifying the amount of the rental replacement housing payment to which he is entitled.
(c) An explanation of the eligibility requirements for rental replacement housing payments, and of his option to purchase replacement housing and receive reimbursement for the down payment and incidental expenses connected to such purchasing including the requirements therefore; unless such requirements and options are adequately explained in the brochure.

(d) The brochure.

(c) 90-Day Notice to Vacate

(1) The construction or development of a project shall be so scheduled that to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling, or move his business or farm without at least 90 days' written notice of the intended vacation date from the City. The 90-day notice to vacate shall not be given until such time as the City has control of the property.

(2) The 90-day notice to vacate shall give a firm specific date by which the displaced person must vacate the property. This date may be extended when conditions warrant, but any extension must be in writing and must give another specific date by which the property must be vacated.

(3) A notice is not required if an occupant moves of his own volition prior to the time the agency gives the 90-day notice.

(4) As an alternate to Sections 14(c)(1), (2) and (3) the City may adopt the following procedures:

(a) The 90-day notice may be given on or after the initiation of negotiations for the parcel and shall include a statement that the displaced person will not be required
to move from a dwelling, or move his business or farm before 90 days from the date of the notice. Such notice shall inform the displaced person that he will be given a 30-day written notice specifying the date by which the property must be vacated.

(b) The 30-day notice shall not be given until such time as the City has legal control of the property.

(c) Notices are not required if an occupant moves of his own volition prior to the time such notices are given.

(d) Notice of Right of Appeal. All eligible displaced persons shall be furnished a written notice of their right to appeal as provided in these regulations and of the procedures for making such appeal.

SECTION 15
RELOCATION PLAN

The City shall not proceed with any phase of a project which will result in the displacement of any person until it has submitted a relocation plan to the appropriate funding agencies. The plan should include:

(a) An inventory of the characteristics and needs of persons to be displaced, which may be based upon a representative sampling process rather than a complete occupancy survey.

(b) An estimated inventory of currently available comparable replacement dwellings which sets forth for each dwelling the type of house or building, state of repair, number of rooms, type of neighborhood, proximity to public transportation, schools, commercial shopping areas, and pertinent social institutions, such as religious and community facilities.

(c) An analysis of the information required in paragraphs (a) and (b) of this section which:

(1) Discusses relocation problems and possible solutions, including:

(i) If a project divides or disrupts an established community the impact on the human environment in which the project will be located;

(ii) An estimate of the businesses and farm operations to be displaced and the effect of their displacement on the economy of the area involved;

(2) Provides an analysis of Federal, State and community programs currently in operation in the project area which will affect the availability of housing;
(3) Describes the methods to be used to help displaced persons relocate;
(4) Explains the amount of lead time necessary to carry out a timely, orderly, and humane relocation program.

SECTION 16
RECORDS MANAGEMENT

The City shall maintain the following records for each project involving the displacement of any person:

(a) Records indicating:
   (1) Project and parcel identification
   (2) Name and address of each displaced person; his new address and telephone number if available
   (3) Dates of all personal contacts made with each displaced person
   (4) Date each displaced person is given notice of relocation payments and services
   (5) Name of employee who offers relocation assistance
   (6) Whether the offer of assistance is declined or accepted, in writing, and the name of the individual who accepts or declines the offer
   (7) Date each displaced person is required to move
   (8) Date of actual relocation, and whether relocation was accomplished with the assistance of the City, other agencies, or without assistance
   (9) Type of tenure held by each displaced person before and after relocation

(b) Records indicating for each individual or family displaced from a dwelling:
   (1) Number in family, or number of individuals
   (2) Type of dwelling
   (3) Fair market value, or monthly rent
   (4) Number of rooms

(c) Records indicating for each business displaced:
   (1) Type of business
   (2) Whether or not relocated
   (3) If relocated, distance moved
   (4) Data supporting a determination that a business cannot be relocated without a substantial loss of its existing patronage and that it is not part of a commercial enterprise having at
least one other establishment not being acquired by a State agency or the United States

(d) Records indicating, for each payment of moving and related expenses:

(1) The date personal property is moved, and the original and new locations of the personal property.

(2) If personal property is stored temporarily--
   (a) The place of storage;
   (b) The duration of storage; and
   (c) A statement indicating why the storage is necessary

(3) An account of all moving expenses that are supported by receipted bills or similar evidence of expense.

(4) Amount of reimbursement claimed, amount allowed, and an explanation of any difference.

(5) In the case of a business or farm operation that receives a fixed allowance in lieu of moving expenses, data underlying the computation of such payment.

(e) Records indicating, for each replacement housing payment:

(1) The date of the City's receipt of each application for such payments.

(2) The date on which each payment was made or the application rejected.

(3) Supporting data explaining how the amount of each supplemental payment to which the applicant is entitled was calculated.

(4) A copy of the closing statement indicating the purchase price down payment, and incidental expenses, for replacement housing purchased.

(5) Information including computations to support the increased interest payment.

(6) A signed statement by the individual responsible for determining the amount of the replacement housing payment setting forth:
   (a) The amount of the replacement housing payments
   (b) His understanding that the determined amount is to be used in connection with a project.
   (c) That he has no direct or indirect present or contemplated personal interest in this transaction and will not derive any benefits from the replacement housing payment.
(7) A statement by the City that in its opinion the displaced person has been relocated into adequate replacement housing.

(8) Whenever a rental payment is made by annual installments, a statement confirming that the tenant still occupies a decent, safe, and sanitary dwelling.

(f) The relocation records should be available at reasonable hours for inspection by representatives of any Federal or State agency who have an interest or responsibility in matters relative thereto. The records shall be retained by the City for at least three years after completion of the project, or for any period longer than three years if required by law.

SECTION 17

APPEALS

SEE SECTION 53, PAGE 42 FOR APPEALS

PART C

SECTION 18

MOVING EXPENSES: DISPLACED PERSONS

(a) A displaced person is entitled to actual reasonable expenses for--

(1) Transporting individuals, families, and personal property from the displacement site to a replacement site, but not
more than 50 miles unless the City finds that the displaced person cannot relocate within that distance;

(2) Packing and unpacking, crating and uncrating, and, if the City finds it necessary, storing his personal property for not more than 12 months;

(3) If the City finds it necessary, advertising for packing, crating, storing, or transporting his personal property;

(4) Insuring against loss or damage of his personal property while in storage or transit;

(5) Removing and reinstalling machinery, appliances, and equipment, including modifying the machinery, appliance, or equipment as considered necessary by the City and reconnecting utilities, if--

(i) It is not acquired by the City as real property;

(ii) The displaced person agrees in writing that the machinery, appliance, or equipment is personal property and releases the City from paying for it; and

(iii) Unless otherwise required by law, it is not a real property improvement to the location site; and

(6) Searching for a replacement business or farm operation to the extent those expenses meet the requirements of Section 23, if the displaced person conducts a business or farm operation which is discontinued or relocated.

(b) A displaced person is entitled to be reimbursed for uninsurable loss or damage of his personal property while in the process of moving, if the loss or damage was not the result of his fault or damage.

(c) A displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to the actual direct losses of personal property resulting from the discontinuation or move, to the extent those losses meet the requirements of Section 24.

In the case of low value, high bulk personal property, such as junk, stockpiled sand, gravel, minerals, metals, or similar items, used in connection with a relocated business or farm operation, payment for actual reasonable moving expenses may not be more than the cost of unloading that property at the relocation site less the amount for which it could be sold at the displacement site.
SECTION 19
EXCLUSIONS

A displaced person is not entitled to repayment for:

(a) Additional expenses incurred because of living in a new location
(b) The cost of moving structures, or other improvements to real property, in which the displaced person reserved ownership, except as provided in Section 30 (d)
(c) Improvements to the replacement site, except when required by law
(d) Interest on loans to cover moving expenses
(e) Loss of goodwill
(f) Loss of profit
(g) Loss of trained employees
(h) Personal injury
(i) The cost of preparing the application for moving and related expenses
(j) Expenses in searching for a replacement dwelling
(k) Modifications of personal property to adapt it to replacement site except when required by law

SECTION 20
MOVING & RELATED EXPENSE PAYMENTS: ELIGIBILITY

(a) A displaced person is eligible for payments for moving and related expenses without regard to the length of time that he occupied the real property from which he is displaced. If a person moves after receiving a written order to vacate, the occupant is eligible even though the property is not acquired.

(b) When the acquisition of real property used for a business or farm operation which is eligible for payments for moving and related expenses causes a person to vacate a dwelling or other real property not acquired or move his personal property from other real property not acquired, the additional expenses of moving such personalty are eligible for appropriate moving payments.

(c) The City will generally not participate in more than one move of a displaced person; however, where it is shown to be in the public interest, the City may give prior approval to more than one move. The City will not participate in the moving expenses of occupants who succeed a displaced person in occupancy after the initiation of negotiations or the receipt of a written notice of intent to acquire.
SECTION 21
MOVING EXPENSES APPLICATION & PAYMENT

(a) Upon application by a displaced person for payment of moving and related expenses, the City shall
(1) Pay those expenses in accordance with this subpart; or
(2) If the applicant elects to receive it, pay him a fixed allowance in accordance with Section 24.

(b) The application must be in writing and filed with the City within 18 months after the date the applicant moves, or move his personal property from real property, as the case may be, or the date final payment is made for the cost of acquisition, whichever is later. The application must include an itemization of the expenses involved and, except as provided in paragraphs (d) and (e) of this section, must be supported by receipts and such other evidence as the City may require.

(c) A displaced person may not be paid for his moving expenses in advance of the actual move unless the City finds that a hardship would otherwise result.

(d) If a displaced person, his mover, and the City concerned agree in writing, the displaced person may submit an unpaid bill for moving expenses for direct payment.

(e) If the City contracts with independent movers on a schedule basis and provides a displaced person with a list of movers, he may choose from to move his personal property, payment shall be made directly to the mover.

(f) In the case of a self-move by a displaced person who conducts a business or farm operation, the amount of payment for actual reasonable moving expenses is negotiable but may not be more than the lower of two firm bids or estimates received by the City, unless the City determines that a greater amount is justified.

SECTION 22
EXPENSES IN SEARCHING FOR A REPLACEMENT BUSINESS OR FARM OPERATION

The owner of a displaced business or farm operation may be reimbursed for the actual, reasonable expenses in searching for a replacement business or farm operation, not to exceed "$500". Such expenses may include transportation, meals and lodging, the reasonable value of time spent in search, and,
and, if the City considers it desirable, the fees of real estate agents or real estate brokers. In exceptional cases and with prior approval of the City, an amount greater than $500 may be authorized when circumstances so require.

(a) All expenses claimed except value of time actually spent in search must be supported by receipted bills.

(b) Payment for time actually spent in search shall be based on the salary or earnings of the displaced person, but may not exceed $10 per hour. A certified statement of the time spent in search and the hourly rate shall accompany the claim.

SECTION 23
ACTUAL DIRECT LOSSES; BUSINESSES & FARM OPERATIONS

(a) Subject to the requirements and limitations in paragraphs (b) through (f) of this section, a displaced person who conducts a business or farm operation is entitled to payment for actual direct losses of personal property that is used in connection with the business or farm operation but is:

(1) No longer needed because the business or farm operation is being discontinued; or

(2) Not being moved to a relocation site because it is not suitable for use there.

(b) A displaced person who conducts a business or farm operation which is discontinued or relocated shall make a bona fide effort to sell personal property he does not move.

(c) If a displaced person relocates a business or farm operation and sells an item of personal property and promptly replaces it with a comparable item, payment for actual direct loss of the original item may not be more than the replacement cost less its sale price, or the estimated cost of moving the original item, whichever is less.

(d) If a displaced person discontinues a business or farm operation and sells an item of personal property, payment for actual direct loss of the item may not be more than the fair market value of the personal property for continued use at its location prior to displacement less its sale price, or the estimated cost of moving the original item 50 miles, whichever is less.
(e) If a displaced person abandons an item of personal property after making a bona fide effort to sell it, payment for the actual direct loss of that item may not be more than the fair market value of the item for continued use at the location prior to displacement of the estimated cost of moving the original item 50 miles, whichever is less, irrespective of the cost to the City of removing that item.

SECTION 24
FIXED ALLOWANCES

(a) A displaced individual or family may elect to receive a moving expense allowance not to exceed "$300" determined according to schedules established by the Washington State Highway Commission plus a dislocation allowance or "$200" in lieu of the moving and related expense payments under Section 18. The schedule shall cover four types of occupants:

1. Occupants of unfurnished dwelling units
2. Occupants of furnished dwelling units (including sleeping room tenants)
3. Occupants of mobile homes who move their mobile homes and their personal property.
4. Occupants of mobile homes who move only the personal property.

(b) Owner-Occupants of Multi-Family Dwellings. In addition to the payment for the moving of personal property, himself and his family from his dwelling unit in accordance with the provisions of this paragraph, the owner-occupant of a multi-family dwelling is also eligible to receive moving payments under the provisions of Section 18 for the other units of the multi-family dwelling.

SECTION 25
FIXED ALLOWANCES; BUSINESSES

(a) In lieu of the payments described in Section 18, an owner of a discontinued or relocated business may elect to receive a payment equal to the average annual net earnings of the business, but such payment shall not be less than "$2,500" nor more than "$10,000".

(b) A business conducted for profit qualifies for payment under this section if the City determines that it:
1. Cannot be relocated without a substantial loss of its
existing patronage. Such determination shall be made by the City only after considering all pertinent circumstances, including but not limited to the following factors:

(a) The type of business;
(b) The nature of its clientele;
(c) The relative importance of the present and proposed location to the displaced business; and
(d) The availability of the relocation site.

(2) Is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired.

(3) Contributes materially to the income of the displaced owner. A part-time individual or family occupation in the home which does not contribute materially to the income of the displaced owner is not eligible for this payment.

(c) A business conducted by a non-profit organization qualifies for payment under this section if the City determines that it:

(1) Cannot be relocated without substantial loss of existing patronage, taking into consideration the person, community, or clientele served or affected by the business; and
(2) Is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired.

(d) The term "average annual net earnings" means one-half of any net earnings of the business before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which the business is displaced. Net earnings include any compensation paid by the business to the owner, his spouse, or his dependents during the two-year period. Such earnings may be established by Federal income tax returns filed by the business and its owner, his spouse, and his dependents during the two-year period or by certified financial statements, or other similar evidence. In the case of a corporate owner of a business, earnings shall 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, stock held by a husband, his wife, and dependent children shall be treated as one unit.
(e) If the business affected can show that it was in business twelve consecutive months during the two taxable years prior to the taxable year in which it is required to relocate, but not for the full two years, had income during such period, and is otherwise eligible, the owner of the business is eligible to receive a payment equal to the total net earnings of the business for the period of operation divided by the number of months of operation multiplied by twelve. A taxable year is defined as any twelve-month period used by the business in filing income tax returns.

(f) If the City finds that the two taxable years immediately preceding displacement are not representative, it may prescribe some other time period for computing average annual net earnings.

SECTION 26
FIXED ALLOWANCE; FARM OPERATION

In lieu of the payments described in Section 18, an owner of a displaced farm operation may elect to receive a payment equal to the average annual net earnings of the farm operation computed as provided in Section 25 (d), but not less than "$2,500" more than "$10,000". In the case of a partial taking, a fixed allowance under this section will be paid only if the City determines that the property remaining after the acquisition is no longer an economic unit for farm operations.

SECTION 27
ADVERTISING SIGNS

(a) The owner of a displaced advertising sign is eligible to receive a payment for actual reasonable moving and related expenses under the provisions of Section 18.

(b) An advertising sign that is otherwise eligible for moving payments will not be eligible when it is moved to a site in violation of State, Federal, or local regulations.

(c) The provisions of this section may or may not apply to an advertising sign owned by and located on the business or farm being displaced, depending on whether the expenses are incurred pursuant to a public improvement project.
PART D - REPLACEMENT HOUSING PAYMENTS
SECTION 28
REPLACEMENT HOUSING PAYMENTS: ELIGIBILITY

(a) A displaced homeowner is eligible for a replacement housing payment under Section 29 or 30 if he:
   (1) Qualifies as a displaced person;
   (2) Actually owned and occupied the acquired dwelling for at least 180 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be;
   (3) In the case of a payment under Section 29, purchases and occupies, or in the case of a payment under section 30 (a), rents and occupies a decent, safe and sanitary dwelling within one year after the latest of the following events:
      (i) The person receives final payment for the acquired dwelling;
      (ii) In the case of a condemnation suit, the City deposits the required amount in escrow or court for the benefit of the owner; or
      (iii) The person is required to move from the acquired dwelling.

(b) A displaced homeowner who is not eligible for a replacement housing payment under Section 29 is eligible for a payment under Section 30, if he:
   (1) Qualifies as a displaced person;
   (2) Actually owned and occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and
   (3) Rents or purchases and occupies a decent, safe, and sanitary dwelling within one year after the latest of the following events:
      (i) The person receives final payment for the acquired dwelling;
      (ii) In the case of a condemnation suit, the City deposits the required amount in court for the benefit of the owner; or
      (iii) The person is required to move from the acquired dwelling.
(c) A displaced tenant is eligible for a replacement housing payment under Section 30
   (1) Qualifies as a displaced person;
   (2) Actually lawfully occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and
   (3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within one year after the date he is required to move from the acquired dwelling, or if earlier, the date he actually moves.

(d) For the purpose of paragraphs (a) (2) and (b) (2) of this section, if a homeowner inherits an interest in a dwelling by devise or operation of law, the persons tenure of ownership includes the tenure of the preceding homeowner.

(e) A displaced tenant or homeowner "purchases" a dwelling within the meaning of this subpart when he--
   (1) Acquires an existing dwelling;
   (2) Rehabilitates a substandard dwelling which he owns or acquires;
   (3) Relocates a dwelling which the person owns or acquires;
   (4) Relocates and rehabilitates a substandard dwelling which the person owns or acquires;
   (5) Constructs a new dwelling on a site which the person owns or acquires;
   (6) Contracts to purchase a dwelling on a site provided by a builder; or
   (7) Contracts for the construction of a dwelling on a site provided by a builder or on a site which the person owns or acquires.

(f) A displaced tenant or homeowner "occupies" a dwelling within the meaning of this subpart only if the dwelling is the person's permanent place of residence. If a tenant or homeowner contracts for the construction or rehabilitation of a replacement dwelling, and for reasons not within his control, the construction of rehabilitation is delayed beyond the date occupancy is required, the City may extend the period of eligibility for a replacement housing payment until the tenant or homeowner occupies the replacement dwelling.

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(g) In the case of a displaced homeowner or tenant who has allocated part of their dwelling for use in connection with a displaced business or farm operation, a replacement housing payment may not be paid for that part of the property which is allocated to the business or farm operation.

(h) Any person, otherwise eligible, who has obtained legal ownership of a replacement dwelling prior to the initiation of negotiations on the project and occupies the replacement dwelling after being displaced but within the time limits specified in this section, is eligible for replacement housing payments if the dwelling meets the requirements of Section 3.

(i) (1) If two or more eligible families or a family and individual occupy the same dwelling, each family or individual that elects to relocate separately is eligible for a replacement housing payment.

(2) If two or more eligible individuals with no identifiable head of a household occupy the same dwelling unit, they are to be considered as one family for replacement housing payments purposes. When all individuals do not relocate to decent, safe, and sanitary housing a pro rata share of the appropriate payment that would have been received if all individuals had relocated together in the same ownership or rental status as they had at the time of initiation of negotiations.

SECTION 29
REPLACEMENT HOUSING PAYMENT; PURCHASE PRICE

A displaced homeowner who qualifies under Section 28(a) is entitled to a replacement housing payment of not more than $15,000. Within that limitation, the payment includes the following amounts:

(a) Subject to the requirements of Section 33, if the reasonable cost of a comparable replacement dwelling is more than the acquisition price of the acquired dwelling, the difference between them.

(b) If there was a bona fide mortgage which constituted a valid lien on the acquired dwelling for at least 180 days before the initiation of negotiations for the acquired dwelling and if the cost of financing the purchase of a replacement dwelling includes increased interest costs, an amount to compensate for that increase, as provided in Section 37.
(c) An amount necessary to cover incidental expenses on the purchase of a replacement dwelling, but not including prepaid expenses, as provided in Section 38.

(d) If a displaced homeowner elects to retain and move his dwelling, the amount payable under this section is the difference between the acquisition price of the acquired dwelling and the sum of--

(1) The moving and restoration expenses;
(2) The cost of correcting decent, safe, and sanitary deficiencies if any; and
(3) The actual purchase price of a comparable relocation site.

SECTION 30
REPLACEMENT HOUSING PAYMENTS; RENT & DOWN PAYMENTS

A displaced homeowner or a displaced tenant who qualifies under Section 28 is entitled to a replacement housing payment of not more than $4,000. Within that limitation, the payment is that amount computed in accordance with Sections 31 or 32, necessary for:

(a) The homeowner who qualifies under Section 28(a) to rent a comparable replacement dwelling for a period of not more than four years.

(b) The homeowner who qualifies under Section 28(b) or the tenant who qualifies under Section 28(c) to:

(1) Rent a comparable replacement dwelling for a period of not more than four years, or

(2) Make the down payment required for a conventional loan and cover the incidental expenses on the purchase of a comparable replacement dwelling.

SECTION 31
COMPUTATION OF RENTAL PAYMENTS

(a) Except as provided in Section 34, the amount payable to a displaced homeowner for rent under Section 30 is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the monthly economic rent established for the acquired dwelling.

(b) Except as provided in Section 34, the amount payable to a displaced tenant (other than a tenant of the City) for rent under Section 30 is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the average month's rent paid by the displaced tenant for the last three months before the initiation of negotiations for the acquired dwelling if that rent was reasonable, and
if not reasonable, 48 times the monthly economic rent for the
dwelling unit as established by the City.

(c) Except as provided in Section 34, the amount payable to a displaced
tenant of the City for rent under Section 30 is 48 times the reason-
able monthly rent for a comparable replacement dwelling, less 48
times the monthly economic rent.

(d) The "rent paid" by a tenant shall include any rent supplements
supplied by others except where, by law, such supplement is to be
discontinued upon vacation of the property.

(e) When the average monthly rental being paid by the displaced person
not including supplemental rent by public agencies exceeds 25 per-
cent of the monthly gross income of such individual or family, the
payment, not to exceed $4,000 shall be determined by subtracting
12 times the average monthly income of the displaced tenant from
the lesser of the following amounts:
(1) 48 times the monthly rental determined by the City as necessary
to rent a comparable dwelling.
(2) 48 times the monthly rental the displaced tenant is required
to pay if he relocates into public subsidised housing.

(f) When a rental replacement housing payment computed under this cri-
teria exceeds $4,000, the selected replacement dwelling may not be
classed as a comparable replacement dwelling.

SECTION 32
COMPUTATION OF DOWN PAYMENTS

(a) The amount payable to a displaced homeowner or tenant for a down
payment under Section 30 (b) (2) is the full amount of the first
$2,000 of the required down payment plus one-half of any amount
required over $2,000. However, the homeowner or tenant shall pro-
vide the other half of any amount required over $2,000.

(b) A displaced homeowner or tenant shall apply the full amount of
the payment to which he is entitled under Section 30 (b) (2) to
the down payment and incidental expenses described in the closing
statement.

(c) The amount required to be paid by the purchaser as points or as an
origination or loan service fee is includable in computation of
down payments.
SECTION 33
LIMITATIONS; PAYMENT FOR PURCHASE PRICE

(a) The price established as the reasonable cost of a comparable replacement dwelling under Section 35 upper limit of the differential amount payable under Section 29 (a). To qualify for any amount, the homeowner must purchase and occupy a decent, safe, and sanitary dwelling higher in price than the acquired dwelling.

(b) If the homeowner voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the reasonable cost established for a comparable replacement dwelling, the amount payable under Section 29 (a) amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the decent, safe and sanitary dwelling.

SECTION 34
LIMITATION OF RENTAL PAYMENT

(a) The rent established as the reasonable monthly rent under Section 36, a comparable replacement dwelling sets the upper limit of the differential amount payable under Section 30(a) or 30 (b)(1). To qualify for any amount, the displaced homeowner or tenant must rent and occupy a decent, safe, and sanitary dwelling higher in rent than the rent or economic rent at the acquired dwelling.

(b) If the displaced homeowner or tenant voluntarily rents and occupies a decent, safe, and sanitary dwelling at a rent less than the reasonable monthly rent established for a comparable replacement dwelling, the amount payable under Sections 30 (a) or 30 (b)(1) is that amount required to pay the difference between 48 times the average monthly rent or economic rent at the acquired dwelling and 48 times the actual monthly rent paid for the decent, safe, and sanitary dwelling.

SECTION 35
REASONABLE COST OF COMPARABLE REPLACEMENT DWELLING

(a) In determining the reasonable cost of a comparable replacement dwelling, the City shall use one of the following methods:

(1) The City may establish a schedule of probable selling prices of comparable dwellings for the various types of dwellings
being acquired. Such schedule will be prepared from a current analysis of the probable selling price of dwellings on the market. The analysis will classify dwellings according to type of construction and number of rooms.

(2) The City may determine the probable selling price of a comparable dwelling by analyzing at least three comparable dwellings representative of the dwelling unit to be acquired which are available on the private market and meet the criteria of Section 2 (f). Less than three comparables may be used for this determination when additional comparable dwellings are not available. Selection of comparables and computation of the payment must be done by a qualified City employee familiar with real property values other than the appraiser or review appraiser for the parcel involved. Since the asking price on the market typically exceeds the actual selling price, the asking price of the selected comparables usually will require a downward adjustment. The amount of the adjustment shall be determined by comparing the asking price and the actual selling price of recent sales.

(b) If the displaced person requests assistance in finding replacement housing, he must be offered housing which is comparable and available for purchase within the limits of the offered replacement housing payment. If such housing is no longer available, the City will determine a new replacement housing payment based on available housing which is equal to or better than the acquired dwelling and meets the other criteria for comparable replacement dwellings.

(c) In determining the amount of a replacement housing payment under the following rules apply:

(1) If the acquired dwelling is located on a tract typical for residential use in the area, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the acquisition price of the acquired property.

(2) If the acquired dwelling is located on a tract larger than typical for residential use in the area, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the estimated value of the dwelling at the present location assuming it was located on a tract typical for the area.
(3) If the acquired dwelling is located on a tract that has a use higher and better than residential, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for residential use in the area less the estimated value of the dwelling assuming it was located on a tract typical for residential use in the area.

SECTION 36
REASONABLE MONTHLY RENT

In determining the reasonable monthly rent for a comparable replacement dwelling, the City shall use one of the following methods:

(a) It may establish a schedule of monthly rents for each type of dwelling required. The schedule must be based on a current analysis of the available private market. If more than one agency is administering a project causing displacement in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area.

(b) It may determine a reasonable monthly rent by examining the rent of at least three comparable replacement dwellings.

(c) If it finds that the methods described in paragraphs (a) and (b) of this section are not feasible, it may propose an alternative method.

SECTION 37
INCREASED INTEREST COST PAYMENTS

(a) The amount payable for increased interest costs under Section 29(b) is the present value of the difference in interest costs and other debt service costs (including points paid by the purchaser) charged for refinancing an amount not more than the balance of the mortgage on the acquired dwelling at the time of the acquisition, over a period not longer than the remaining term of that mortgage.

(b) The amount payable under Section 29(b) shall be computed using the following rules:

(1) The interest charge on the new mortgage may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area in which the replacement dwelling is located;
(2) The present value of the increased interest cost shall be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area in which the replacement dwelling is located.

(c) The payment described in this section may be made directly to the displaced individual or family, or upon written instruction from the displaced individual or family, directly to the mortgagee of the replacement dwelling. In cases where an applicant otherwise qualifies for an increased interest cost payment, and upon his specific request, the City may make an advance payment into escrow prior to the time the displaced person occupies a replacement dwelling.

(d) In case of partial acquisitions:

(1) Where the dwelling is located on a tract normal for residential use in the area, the increased interest cost payment shall be a percentage of the increased interest cost payment computed as above equal to the percentage ratio that the acquisition price bears to the pre-acquisition value of the property, except, that this reduction shall not apply when the mortgagee requires the entire mortgage balance to be paid because of the acquisition and it is necessary to refinance.

(2) Where a dwelling is located on a tract larger than normal for residential use in the area, the increased interest cost payment shall be a percentage of the increased interest cost payment computed as above equal to the percentage ratio that the value of the residential portion bears to the total pre-acquisition value of the property. This reduction shall be made whether or not the mortgagee requires that the entire mortgage balance be paid.

(e) The increased interest cost payment on multi-use properties shall be a percentage of the increased interest cost payment calculated as above equal to the percentage ratio that the residential value of the multi-use property bears to the total pre-acquisition value of the property.

(f) If a dwelling is located on a tract where the fair market value is established on a higher and better than residential use, and
if the mortgage is based on residential value, the interest payment shall be computed as provided in the appropriate paragraph above. If the mortgage is obviously based on the higher use, however, the increased interest cost payment shall be a percentage of the increased interest cost payment calculated as above equal to the percentage ratio that the estimated residential value of the parcel bears to the actual pre-acquisition value of the property.

SECTION 38
INCIDENTAL EXPENSES

(a) The incidental expenses payment is the amount necessary to reimburse the homeowner for the actual cost incurred by him incident to the purchase of a replacement dwelling, not including prepaid expenses. Such costs may include the following items if normally paid by the buyer.

(1) Legal, closing and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats, and charges paid incident to recordation.
(2) Lender, FHA, or VA appraisal fees
(3) FHA or VA application fees
(4) Certification of structural soundness when required by the lender, FHA, or VA
(5) Credit report
(6) Owner's title policy or abstract of title
(7) Escrow agent's fee
(8) State revenue stamps

(b) No fee, cost, charge, or expense if it is determined to be a part of the debt service, or finance, charge under 15 USC 1631-1641 and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System.

SECTION 39
RENTAL PAYMENTS: METHOD OF PAYMENT

(a) A rental payment under Section 30(a) must be made in four equal annual installments if:
(1) The payment is more than $2000; or
(2) The displaced person asks to receive the payment in annual installments.

(b) The City shall establish criteria to assure that before making an annual payment under paragraph (a) of this section, the tenant still occupies a decent, safe and sanitary dwelling.

SECTION 40
COMBINED PAYMENTS

(a) If a homeowner is eligible for payment under Section 29, but has previously received a rental payment under Section 30(a), the amount of rental payment previously received must be deducted from any amount that he receives under Section 29.

(b) If a homeowner or tenant is eligible for a down payment under Section 30 (b) but has previously received a rental payment under Section 30, the amount of rental payment previously received shall be deducted from the amount of any down payment that he receives under Section 30 (b).

SECTION 41
INSPECTION OF REPLACEMENT DWELLING

Before making a replacement housing payment to the displaced person, the City shall inspect the replacement dwelling to determine that it meets the standards for decent, safe and sanitary housing. The City may utilize the service of any public agency ordinarily engaged in housing inspection to make this inspection. Such determination by the City that a dwelling meets the standards for decent, safe and sanitary housing is made solely for the purpose of determining the eligibility of the displaced individuals and families for payment under this section and is not a representation for any other purpose.

SECTION 42
STATEMENT OF ELIGIBILITY TO LENDING AGENCIES

Where a displaced person otherwise qualifies for a replacement housing payment except that he has not yet purchased or occupied a suitable replacement dwelling, the City, after inspecting the proposed dwelling and finding that it meets the standards for decent, safe and sanitary dwellings, shall upon the displaced person's request state to any interested party, financial institution, or lending agency, that the displaced person will be eligible for payment under this section provided he purchases and occupies the
the inspected dwelling within the time limit specified in Section 29.

SECTION 43
APPLICATION FOR REPLACEMENT HOUSING PAYMENTS

(a) Application for replacement housing payments shall be in writing. The application shall be filed no later than six months after the expiration of the one-year period specified in Section 29 except that in condemnation cases, such period shall be extended to six months after the final adjudication.

(b) If the displaced person has purchased or rented, and occupied a decent, safe and sanitary dwelling, the City shall make the payments provided by this part directly to such person, or, at his option, to the seller or lessor of the dwelling.

(c) If the displaced person has purchased or rented, but not yet occupied a decent, safe and sanitary dwelling, the City may, upon the request of such person, make the payments provided by this section into an escrow account.

SECTION 44
PROVISIONAL REPLACEMENT HOUSING PAYMENTS IN CONDEMNATION CASES

A provisional replacement housing payment may be paid to the property owner if the determination of the City's acquisition price will be delayed pending the outcome of condemnation proceedings. Such provisional replacement housing payment will be calculated by deeming the City's maximum offer for the property as the acquisition price. Payment of such amount will be made only upon the owner-occupant's agreement that:

(a) Upon final determination of the condemnation proceedings, the replacement housing payment will be recomputed using the acquisition price determined by the court.

(b) If the amount awarded in the condemnation proceedings exceeds the maximum offer used in computing the provisional payment, the difference will be refunded to the City. However, in no event, shall he be required to refund more than the amount of the provisional replacement housing payment.

SECTION 45
MOBILE HOMES

(a) The City funds may be used to acquire a mobile home when it is
considered realty under State law.

(b) The City funds may be used to acquire a mobile home when it is considering personalty under State law under the following conditions:

(1) The structural condition of the mobile home is such that it cannot be moved without substantial damage or unreasonable cost.

(2) The mobile home is not considered to be a decent, safe and sanitary unit.

(c) Where the City determines that a sufficient portion of a mobile home park is taken to justify the operator of such park to move his business or go out of business, the owner and occupants of the mobile home dwellings not within the actual taking but who are forced to move will be considered displaced persons, if they meet the occupancy requirements of section

(d) A mobile home may be considered a comparable replacement dwelling if it meets the requirements of Section 3. When a comparable mobile home dwelling is not available, it will be necessary to calculate the replacement housing payment on the basis of the next highest type of dwelling that is available and meets the applicable requirements and standards, i.e., a higher type mobile home or a conventional dwelling.

PART E - LAND ACQUISITION

SECTION 46

REAL PROPERTY ACQUISITION PRACTICES

(a) In acquiring real property, including easements, the City shall to the greatest extent practicable--

(1) Make every reasonable effort to acquire real property expeditiously through negotiation;

(2) Before the initiation of negotiations have the real property appraised and give the owner or his representative an opportunity to accompany the appraiser during inspection of the property;

(3) Before the initiation of negotiations--

(i) Establish an amount which it believes to be just compensation for the real property; and
(ii) Make a prompt offer to acquire the property for that amount;

(4) Before requiring any owner to surrender possession of real property--
   (i) Pay the agreed purchase price;
   (ii) Deposit with the court or place in escrow for the benefit of the owner, an amount not less than the City's approved appraisal of the fair market value of the property; or
   (iii) Pay the amount of the award of compensation in a condemnation proceeding for the property;

(5) If any interest in real property is to be acquired by exercise of the power of eminent domain, institute formal condemnation proceedings and not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property and

(6) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, offer to acquire that remnant.

(b) To the greatest extent possible, the City shall not:

(1) Schedule the construction or development of a public improvement that will require any person lawfully occupying real property to move from a dwelling or to move his business or farm operation without giving that person at least 90 days' written notice of the date he is required to move;

(2) If it rents acquired real property to the former tenant for a short term or subject to termination by the City on short notice, charge rent that is more than the fair rental value of the property to a short-term occupier;

(3) Compel an agreement on the price to be paid for the property by:
   (i) Advancing the time of condemnation;
   (ii) Deferring negotiations, condemnation, or the deposit of funds in court for the use of the owner; or
   (iii) Taking any other coercive action

(c) The City shall maintain a record of the following information concerning each acquisition of any interest in real property:

(1) The identification of the property and the estate or interests acquired, including improvements; owners and occupants.
(2) The appraisal
(3) The offer
(4) The date and method of acquisition
(5) The date, amount and purpose of payments to owners and others

SECTION 47
STATEMENT OF JUST COMPENSATION TO OWNER

At the time it makes an offer to purchase real property, the City shall to the greatest extent practicable, provide the owner of that property with a written statement of the basis for the amount estimated to be just compensation. The statement must include the following:

(a) An identification of the real property and the particular interest being acquired in whole or in part.
(b) A certification, where applicable, that any separately held interest in the real property is not being acquired in whole or in part.
(c) An identification of buildings, structures, and other improvements, including fixtures, removable building equipment, and any trade fixtures which are considered to be part of the real property for which the offer of just compensation is made.
(d) A declaration that the City's determination of just compensation--
   (1) Is based on the fair market value of the property;
   (2) Is not less than the City's approved appraised value of the property;
   (3) Disregards any decrease or increase in the fair market value caused by the project for which the property is acquired; and
   (4) In the case of separately held interests in the real property, includes an apportionment of the total just compensation for each of those interests.
(e) In the case of partial taking, the amount of damages, if any, to the remaining real property.
(f) An identification of any real property improvements, including fixtures, not owned by the owner of the land.
(g) An identification of the types and approximate quantity of personal property located on the premises that is not being acquired

SECTION 48
PAYMENT TO TENANTS FOR IMPROVEMENTS

(a) In the case of a building, structure, or other improvement owned
by a tenant on the real property acquired for a project to which this part applies, the City shall, subject to paragraph (b) of this section, pay the tenant the larger of--

(1) The fair market value of the building, structure, or other Improvement, assuming its removal from the property; or

(2) The enhancement to the fair market value of the real property.

(b) A payment may not be made to a tenant under paragraph (a) of this section unless--

(1) The tenant, in consideration for the payment, assigns, transfers, and releases to the City all his right, title and interest in the improvement;

(2) The owner of the land involved disclaims all interest in the improvement; and

(3) The payment is not duplicated by any payment otherwise authorized by law.

(c) Nothing in this section shall be construed to deprive the tenant of any rights to reject payment under this section and to obtain payment as otherwise authorized by law.

SECTION 49
EXPENSES INCIDENTAL TO TRANSFER OF TITLE

As soon as possible after real property has been acquired, the City shall reimburse the owner for--

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the City.

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(c) The pro rata portion of any prepaid real property taxes which are allocable to a period subsequent to the date of vesting title in the City or the effective date of possession of the real property by the City, whichever is the earlier.

SECTION 50
ALLOWANCE FOR BENEFITS PROHIBITED

No allowance for benefits provided by this part may be included in--

(a) Contracts or options to purchase real property;

(b) The appraised value of real property; and

(c) Estimated compensation in the event of condemnation with a declaration of taking.
SECTION 51
LITIGATION EXPENSES

(a) In any condemnation proceeding brought by the City to acquire real property, it shall reimburse the owner of any right, title, or interest in the real property for his reasonable costs, disbursements, and expenses, including attorney, appraisal, and engineering fees, actually incurred because of the proceeding, if:

(1) The final judgment in the proceeding is that the City cannot acquire the real property by condemnation; or

(2) The proceeding is abandoned by the City.

(b) In any inverse condemnation proceeding where the owner of any right, title, or interest in real property receives an award of compensation by judgment or settlement, the City shall reimburse the plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees actually incurred because of the proceeding.

(c) Reimbursement of attorney's fee shall not be paid if the courts award is not greater than 10% of the City's appraisal.

SECTION 52
EQUAL INTEREST IN IMPROVEMENTS TO BE ACQUIRED

In acquiring any interest in real property the City shall acquire at least an equal interest in all building, structures, or other improvements located on that real property which will be removed or which will be adversely affected by the completed project.

SECTION 53
APPEALS

Any person aggrieved by a determination as to eligibility for, method of determination, or the amount of a payment authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1971, Ch. 8.26 R.C.W. and the rules and regulations pursuant thereto may have such determination reviewed according to the following procedures:

(a) Within thirty days following receipt of notification of the rejection of a claim, an aggrieved party desiring to invoke the appeal procedures shall submit to the Kent City Council a notice of appeal which shall include a written statement of the facts pertinent to the case and the reasons why he believes the claim should be paid or why he believes he is otherwise aggrieved. The
notice should show the project name and parcel number of the real property involved, and should bear the signature and address of the aggrieved person or his attorney.

(b) If any notice of appeal is found by the City Council to be defective or insufficient, the Council may require the persons filing the notice to correct, clarify or amend it to conform with the requirements of Chapter 8.26 R.C.W. and the regulations pursuant thereto. The Council may refuse to schedule a hearing on the claim until such requirements have been complied with or may issue an order providing for dismissal of such appeal upon failure to comply within a specified reasonable time.

(c) In accordance with R.C.W. 8.26.030 (1), the provisions of the Administrative Procedure Act (Chapter 34.04 R.C.W.) regarding the resolution of contested cases shall be utilized by the City Council in resolving any appeals filed according to these procedures.

(d) Upon receipt of a notice of appeal, the City Council may designate any qualified person as hearing officer with respect to such appeal. The hearing officer shall have the powers and duties set forth in WAC 365-24-852. The hearing officer shall hold hearings within 45 days following receipt by the City Clerk of the notice of appeal and upon not less than 20 days notice to the aggrieved person. Failure to hold the hearing within the time specified herein, however, shall not affect the authority of the hearing examiner, the necessity of the hearing or the rights of the parties involved.

(e) The rules of evidence to be used in a hearing held under Chapter 8.26 R.C.W. are those set forth in WAC 365-24-856.

(f) The hearing examiner shall, within 30 days after completion of the hearing and record, prepare in writing a proposed decision and order containing findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The hearing examiner shall file the original, signed by him with the City Council and sent by certified or registered mail a copy to each aggrieved person who is a party to the appeal and to his attorney or representative of record.

(g) Within 20 days, any party to the appeal may file with the hearing examiner a written statement of exceptions. Any party may, within 15 days after the filing of an exception by an adverse party, submit a reply to exceptions, a written brief, or a statement of position regarding the matters on which exceptions were taken.
(h) The entire record, including all exhibits, and proposed findings of fact and conclusions of law, together with all exceptions and replies to exceptions, shall be submitted to the City Council. Upon receipt of the entire record, the Council, in a manner consistent with R.C.W. 34.04.110, shall consider the same and may either adopt, modify or reject the proposed findings of fact and conclusions of law and proposed order, and shall issue the final decision of the City of Kent. Such decision shall be made within a reasonable time after receipt of the entire record.
SECTION 54
HOUSING REPLACEMENT AS A LAST RESORT

When it is determined that adequate comparable replacement housing is not available and cannot otherwise be made available, the City may take action or approve action to develop replacement housing.

The City will assure that within a reasonable period of time prior to displacement, decent, safe and sanitary replacement dwellings will be available to displaced persons. This will be accomplished within a reasonable period of time prior to displacement, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities, and as rents or prices within the financial means of the families and individuals to be displaced, decent, safe, and sanitary dwellings; and there will be dwellings equal in number to the number of dwellings to be acquired, available on the open market to persons who require such dwellings, and reasonably accessible to their place of employment. No person shall be required to move from his dwelling until replacement housing is available.

HOUSING REPLACEMENT AS LAST RESORT SHOULD BE USED BY THE CITY WHEN:

1. An adequate supply of comparable decent, safe and sanitary replacement housing is not available for those persons to be displaced.

2. Comparable decent, safe and sanitary replacement housing cannot be purchased for the maximum payment of $15,000 in addition to the acquisition price.

3. Comparable decent, safe and sanitary replacement housing cannot be rented over a four year period for the maximum payment of $4,000 in addition to the rent presently being paid.

In most cases, an adequate supply of replacement housing will be available for sale and rent on the open market, and the benefits of the Uniform Act will
enable displaced persons to relocate to existing housing either on their own initiative or with the assistance provided by the acquiring agency.

However, during the planning of the project, it may appear doubtful to the City that an adequate supply of comparable, decent, safe and sanitary replacement housing will be available for those persons who may be displaced. There may also be some question that the maximum replacement housing payments of $15,000 and $4,000 will be adequate in amount to relocate certain residential displacees. In either instance it would be necessary to program replacement housing as a last resort.

1. **The Conceptual Stage Relocation Study:** This study is prepared by the City prior to the public hearing and consists of the estimated number of individuals, families, businesses, farms and nonprofit organizations to be displaced by each alternate under consideration. Also included in the study is an estimate of the probable availability of decent, safe, and sanitary replacement housing which is within the financial means of the individuals and families to be affected by each alternate under consideration. This study will reveal possible replacement housing problems early in the planning stages.

2. **The Environmental Impact Statement:** This document contains an assessment of anticipated significant beneficial and detrimental effects which project may have upon the quality of the human environment. As part of the environmental assessment, consideration is given to potential social and economic effects of the various alternates under study. This includes the impact of relocation on individuals, families, businesses, farms, nonprofit organizations and the neighborhoods to which they relocate. The availability of comparable, decent, safe and sanitary replacement housing is also an integral part of the study. This assessment is prepared early in the planning stages of the project and will also serve as an indicator of possible problems in the housing sector.
3. **Project Planning Information**: During any of the stages of project planning, information relative to housing shortages may be revealed. Early indications of a scarcity of replacement housing should be given immediate attention by the City in order to avoid subsequent delay of project construction.

**REPLACEMENT HOUSING AS LAST RESORT**

The Act stipulates that if a Federal or Federal-Aid project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the City determines that such housing cannot otherwise be made available, the City may take such action as is necessary to provide housing by use of funds authorized for the projects.

In other words, if the City determines it is in the public interest to proceed with the construction of the project and it cannot do so because of an inadequate supply of comparable replacement housing, then it may, as a last resort, provide the necessary housing.

**PRELIMINARY HOUSING STUDY**

If the City decides to explore the possibility of utilizing project funds as a means of providing replacement housing, the first step in the development of a last resort housing project is the preparation of a preliminary housing study. The purpose of the preliminary study is to ascertain more precisely the need to provide housing. An objective study should clearly indicate that sufficient comparable, decent, safe, and sanitary replacement housing is or is not available.

The preliminary study should indicate the following:

1. An inventory of the characteristics, desires, needs, and intentions of those families and individuals to be displaced.
2. An inventory of available housing, including those residential units currently available and those planned to be constructed or rehabilitated.
3. An analysis of the housing inventory correlated with the needs of those families and individuals to be displaced.

4. The City should coordinate with other displacing agencies during project scheduling in order to avoid duplication of use of the available housing inventory.

If the study indicates that adequate replacement housing is not available, the next step should be the development of a formal replacement housing plan.

REPLACEMENT HOUSING PLAN

The City should develop a plan designed to produce comparable decent, safe, and sanitary replacement housing. Innovative methods for the provision of suitable replacement housing are encouraged. A detailed analysis of the needs of each displacee should be considered when planning the type of housing required to meet these needs. Housing plan shall include the following:
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