

Residential Relocation Guidelines

County of Santa Cruz
and
Santa Cruz County
Redevelopment Agency

September 1998

Your Relocation Coordinator is: _____

His/Her phone number is: _____

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INTRODUCTION

Anyone who is displaced on account of activities of the County of Santa Cruz (County) or the Santa Cruz County Redevelopment Agency (Agency) may be eligible for certain benefits under the County/Agency's Relocation Assistance Program. The benefits available and eligibility criteria are outlined in this brochure.

The name and telephone number of the Relocation Coordinator assigned to this project are listed on the inside front cover of this brochure. If you are required to move as a result of a County or Agency program or project, the Relocation Coordinator will contact you. He or she will answer your specific questions and provide additional information you may need. If you believe that you are eligible for relocation assistance but are not contacted, you should initiate contact with the Relocation Coordinator.

The chart following this section shows which relocation services you may be eligible for, based on certain occupancy requirements:

Owner-Occupants and Tenants of Less Than 90 Days:

If you were in occupancy at the time of the initiation of negotiations, but less than 90 days prior to that date, you may be eligible for relocation assistance advisory services and certain moving costs. You may also be entitled to a rental assistance payment if comparable replacement rental housing is not available at a monthly rate of 30% or less of your gross monthly household income.

Persons in occupancy less than 90 days prior to the initiation of negotiations should meet with their Relocation Coordinator for an explanation of the relocation benefits that they may be eligible to receive.

Owner-Occupants and Tenants of 90 Days or More - Rental Assistance or Down Payment:

If you have been in occupancy for 90 days or more prior to the initiation of negotiations for the acquisition of the property by the County/Agency, you may be eligible for relocation assistance advisory services and certain moving costs. You may also be eligible for a rental assistance payment or a down payment of up to \$5,250.

Owner-Occupants of 180 days or More - Purchase Supplement:

If you were in occupancy 180 days or more prior to the initiation of negotiations, you may be eligible for relocation assistance advisory services and certain moving costs. You may also be eligible for a rental assistance payment of up to \$5,250 or a purchase supplement of up to \$22,500.

Temporary Displacement:

If as a result of an County or Agency project you are required to move temporarily (not more than 180 days) from your apartment unit, and are offered for that period a comparable unit in the same apartment complex, you will not be considered a displaced person if the apartment complex meets certain requirements; in such a case the County/Agency must offer you certain relocation benefits. Please discuss this with the Relocation Coordinator if you believe you are in this situation.

IF YOU ARE A **DISPLACED PERSON**
(Required to Move Because of County/Agency Project)

IF YOU ARE A **TENANT**

Who, at the time the of the initiation of negotiations for acquisition of the property by the County/Agency, had lived there for:

OR

IF YOU ARE AN **OWNER-OCCUPANT**

Who, at the time of the initiation of negotiations for acquisition of the property by the County/Agency, had owned and occupied the property for:

Less Than
90 Days

OR

90 Days
or More

Less Than
90 Days

OR

90-179
Days

OR

180 Days
or More

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MOVING COSTS

If you qualify as a displaced person, you are eligible for reimbursement of your moving costs and certain related expenses incurred in moving. The methods of moving and the various types of moving cost payments are explained below.

Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to assure your eligibility and prompt payment of moving expenses, you should contact your Relocation Coordinator before you move.

Actual Reasonable Moving Costs

You may be paid for your actual reasonable moving costs by a professional mover plus related expenses, or you may move yourself. Reimbursement will be limited to a 50 mile distance in most cases. Related expenses involved in the move may include:

- Packing and unpacking personal property
- Disconnecting and reconnecting household appliances
- Temporary storage of personal property
- Insurance while property is in storage or transit
- Transfer of telephone service and other similar utility reconnections
- Other expenses considered eligible by the County/Agency

All expenses must be considered necessary and reasonable by the County/Agency and supported by paid receipts or other evidence of expenses incurred.

Fixed Moving Cost Schedule

You may choose instead to be paid on the basis of a fixed moving cost schedule. Your Relocation Coordinator will be able to tell you the exact amount you will be eligible to receive if you select this option. The schedule

is designed to include all expenses incurred in moving, including those services that must be purchased from others.

Mobile Homes

The owner of a displaced mobile home may be entitled to a payment for the cost of moving the mobile home to a replacement site on an actual cost basis. Displaced mobile home occupants (owners or tenants) may also be eligible for a payment for moving personal property from the mobile home such as furniture, appliances and clothing on an actual cost basis, or on the basis of a moving cost schedule. For a complete explanation of all moving cost options involving a mobile home, please discuss the matter with your Relocation Coordinator.

ADVISORY SERVICES

Relocation Assistance Services

Any individual or family displaced by a County or Agency project will be offered relocation assistance services for the purpose of locating a suitable replacement property. Relocation services are provided by qualified personnel employed by the County/Agency. It is their goal and desire to be of service to you, and assist in any way possible to help you successfully relocate.

Remember--they are there to **help** and **advise** you; be sure to make full use of their services. Do not hesitate to ask questions, and be sure you understand fully all of your rights and benefits.

Residential Assistance

A Relocation Coordinator from the County/Agency will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview your housing needs and desires will be determined as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling is made available to you. When possible, comparable housing will be inspected prior to being made available to you in order to assure that it meets decent, safe, and sanitary standards.

The following checklist is a summary of the relocation advisory assistance you may reasonably expect to receive if you are displaced by an County/Agency project. In addition to the services listed, the County or Agency is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits. The Relocation Coordinator will personally interview displaced persons to:

- ★ Determine needs and preferences
- ★ Explain relocation benefits
- ★ Offer assistance
- ★ Offer transportation if necessary, especially to elderly or disabled persons
- ★ Assure the availability of a comparable replacement dwelling in advance of displacement

- ★ Provide current listing of comparable replacement dwellings
- ★ Provide the amount of the replacement housing payment in writing
- ★ Inspect replacement dwellings to ensure that they are decent, safe, and sanitary
- ★ Supply information on other federal and state programs offering assistance to displaced persons
- ★ Provide counseling to minimize hardships

Your Relocation Coordinator can provide you with a variety of information that should be helpful, such as:

- ★ Listings of Available Replacement Properties
- ★ Local Housing Ordinances
- ★ Building Codes
- ★ Social Services
- ★ Security Deposits
- ★ Interest Rates and Terms
- ★ Typical Down Payments
- ★ VA and FHA Loan Requirements
- ★ Real Property Taxes
- ★ Consumer Education Literature on Housing

Services Provided By Other Agencies

Your Relocation Coordinator will be familiar with the services provided by other public and private agencies in your community. If you have special problems the counselor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you. Make your needs known in order that you may receive the help you need. You will also be provided with information concerning other federal, State, and local housing programs offering assistance to displaced persons.

Call or visit your Relocation Coordinator - you will be more than welcome. His or her name and phone number are on the inside front cover of this brochure.

REPLACEMENT HOUSING PAYMENTS

RENTAL ASSISTANCE:

For Owner Occupants and Tenants of 90 Days or More

In addition to eligibility for relocation assistance advisory services and certain moving costs, owner-occupants and tenants of 90 days or more may be eligible for a rental assistance payment or down payment assistance. This section discusses the rental assistance payment. The down payment alternative is discussed in the following section. *

To be eligible for rental assistance, owner-occupants and tenants must have been in occupancy at least 90 days immediately preceding the initiation of negotiations for the acquisition of the property by the County or Agency.

This payment was designed to enable you to rent a comparable decent, safe, and sanitary (DSS) replacement dwelling for a 42 month period. If you choose to rent a comparable DSS replacement dwelling and the cost of rent and utilities of that comparable DSS replacement dwelling is higher than you have been paying, you may be eligible for a rental assistance payment of up to \$5,250.

The County/Agency will determine the maximum payment that you may be eligible to receive in accordance with established procedures. The rental assistance payment will be paid in a lump sum in most cases. You must rent and occupy a replacement dwelling within one year to be eligible.

Owners:

Displaced owners who are interested in renting a replacement property should contact the County/Agency for a complete explanation of this option since the computation is more complex.

* Eligible owner-occupants of 180 days or more may receive a “purchase supplement” in lieu of the down payment assistance. See page 12.

EXAMPLE OF RENTAL ASS/STANCE COMPUTATION:

Assume that you have been paying \$645 per month rent for the dwelling unit occupied by you and purchased by the County/Agency. You also pay \$75 per month for utilities, (heat, light, water, and sewer). After a study of the rental market, the County/Agency determines that a replacement rental unit, which is decent, safe, and sanitary (DSS) and comparable to your unit, is available for \$750 per month. It is estimated that average monthly utility costs for the replacement unit will be \$75 per month. The maximum rental assistance payment you can receive is \$105 per month for a 42 month period, or a total of \$4,410. The rental assistance payment computation always includes the cost of the four basic utilities, (heat, light, water and sewer), as well as the cost of the rent. If the rent includes utilities, a separate computation will not be necessary.

County/ Agency's Computation	Replacement Monthly Rent for Comparable Unit <i>(incl utilities - \$750 + \$75)</i>	825
	Current Monthly Rent <i>(incl utilities - \$645 + \$75)</i>	(720)
	Maximum Monthly Rental Assistance Payment	105
	x 42 months *	\$4,410

** maximum is \$5,250*

DOWN PAYMENT:

For Owner-Occupants of 90 to 179 Days & Tenants of 90 Days or More

In lieu of the rental assistance payment described in the preceding section, owner-occupants of 90 to 179 days and tenants of 90 days or more may be eligible for a down payment and incidental expenses, not to exceed \$5,250. The amount of down payment assistance you may receive depends upon the amount of the computed rental assistance payment for a tenant or an eligible homeowner. Refer to page 8 for a detailed explanation of a rental assistance computation.

The computation of a down payment for an owner occupant of 90 to 179 days is limited to the amount an owner would have received if the payment were computed on the basis of a purchase supplement for a 180 day owner. The next section provides an **explanation** of the purchase supplement and sample computations if you are a short term owner of 90 to 179 days. Displaced owner occupants of 180 days or more are eligible for a purchase supplement instead of down payment assistance.

The Relocation Coordinator will be able to explain how the County/Agency determines the maximum down payment assistance payment.

Incidental expenses include the reasonable costs of a title search, recording fees, and certain other closing costs but do not include prepaid expenses such as real estate taxes and property insurance. You may also be eligible for the reimbursement of loan origination or assumption fees, if such fees are normal to real estate transactions in your area and they do not represent prepaid interest. The combined amount of the down payment and incidental expenses cannot exceed the maximum payment of \$5,250.

EXAMPLES OF A DOWN PAYMENT COMPUTATION

	<i>Example A</i>	<i>Example B</i>	<i>Example C</i>
<i>Required Down payment</i>	\$ 5,000	\$ 5,000	\$4,500
<i>Closing & Incidental Costs</i>	950	950	750
<i>Total Amount Needed</i>	5,950	5,950	5,250
<i>County/Agency Down payment**</i>	(4,800)	(5,250)	(5,250)
<i>Displaced Person Pays</i>	\$ 1,150	\$ 700	\$ 0

* based on rental assistance or purchase supplement amount

In Example A, the total amount needed to purchase the property exceeded the County/Agency payment of \$4,800, making it necessary for the displaced person to make up the difference of \$1,150. In Example B, the displaced person must pay \$700 in addition to the County/Agency payments, but in Example C, the County/Agency payment was sufficient to cover the total amount needed. It will not be unusual in today's real estate market to need more than \$5,250 for down payment and closing costs; this maximum, however, is established by state law.

PURCHASE SUPPLEMENT: . **For Owner-Occupants of 180 Days or More**

If you are an owner and have occupied your home for 180 days or more immediately prior to the initiation of negotiations for the acquisition of your property, you may be eligible -- **in addition to the fair market value of your property** -- for a supplemental payment, not to exceed \$22,500, for all costs necessary to purchase a comparable decent, safe, and sanitary (DSS) replacement dwelling. Your eligibility for this assistance, if any, would be in lieu of down payment assistance and as an alternative to a rental assistance payment. The County/Agency will compute the maximum payment you are eligible to receive. You must purchase and occupy a DSS replacement dwelling within 1 year.

The purchase supplement includes the following:

Price Differential:

The price differential payment is the amount by which the cost of the replacement dwelling exceeds the County or Agency's acquisition cost for your dwelling. The price differential payment and the following payments are in addition to the acquisition price paid for your property.

Increased Mortgage Interest Costs:

You may be reimbursed for increased mortgage interest costs if the interest rate on your new mortgage exceeds that of your present mortgage. To be eligible, the dwelling acquired by the County or Agency must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations.

Incidental Expenses:

You may also be reimbursed for other expenses such as reasonable costs incurred for title search, recording fees, and certain other closing costs, but not including prepaid expenses such as real estate taxes and property insurance.

The total amount of the purchase supplement cannot exceed \$22,500, according to state law.

EXAMPLE OF A PRICE DIFFERENTIAL PAYMENT COMPUTATION:

Assume that the County/Agency purchases your property for \$200,000. After a thorough study of the available comparable residential properties on the open market, the County/Agency determines that a comparable replacement property will cost \$216,500. If you purchase a DSS replacement property for \$216,500, you will be eligible for a price differential payment of \$16,500:

County/ Agency's Computation	Cost of Comparable Replacement	\$ 216,500
	Acquisition Price of Your Property	(200,000)
	Maximum Price Differential Payment	\$ 16,500
Replacement	Actual Cost of Replacement Property (Same Purchase Price as Comparable)	216,500
	Acquisition Price of Your Property	(200,000)
	Price Differential Payment	16,500

HOUSING OF LAST RESORT

On most projects, an adequate supply of housing will be available for sale and for rent, and the benefits provided will be sufficient to enable you to relocate to comparable housing. However, there may be projects in certain locations where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. When a housing shortage occurs, the County/Agency will solve the problem by the administrative process called Housing of Last Resort.

If comparable housing is not available, or it is not available within the maximum \$5,250 or \$22,500 payment limits, it must be provided before you are required to move.

The County/Agency may provide the necessary housing in a number of ways, such as:

1. Purchasing an existing comparable residential property and making it available to the displaced person in exchange for the displacement property.
2. The relocation and rehabilitation (if necessary) of a dwelling purchased from the project area by the County/Agency and making it available to the displaced person in exchange for the displacement property.
3. The purchase, rehabilitation and/or construction of additions to an existing dwelling to make it comparable to a particular displacement property.
4. The purchase of land and the construction of a new replacement dwelling comparable to a particular displacement property when comparable are not otherwise available.
5. The purchase of an existing dwelling, removal of barriers and/or rehabilitation of the structure to accommodate a handicapped displaced person when suitable comparable replacement dwellings are not available.
6. A replacement housing payment in excess of the maximum \$5,250 or \$22,500 payment limits.

7. A direct loan which will enable the displaced person to construct or contract for the construction of a decent, safe, and sanitary replacement dwelling.

All eligible displaced persons have a freedom of choice in the selection of replacement housing, and the County/Agency will not require any displaced person, without his/her written consent, to accept a replacement dwelling provided by the County/Agency. If a displaced person decides not to accept the replacement housing offered by the County/Agency, the displaced person may secure a replacement dwelling of his/her choice, providing it meets DSS housing standards.

If you are eligible for replacement housing under the Housing of Last Resort program, you will be so informed by the Relocation Coordinator, who will thoroughly explain the program.

APPEALS

If you are denied a relocation payment which you think you should receive or believe the amount was not correctly computed, you should contact your Relocation Coordinator. Your Coordinator will provide you with information and forms regarding the Appeals Procedure.

Your appeal is an administrative process first to the Director of Public Works, in the case of a County project, or the Redevelopment Agency Administrator, in the case of an Agency project, or an authorized representative. The next step would be to go to the County Administrative Officer (for a County project), or to the Redevelopment Agency Executive Director (for an Agency project). If you are still dissatisfied after these reviews of your case, redevelopment law provides for review by a relocation appeals board, which makes recommendations to the Board of Supervisors or the Agency Board of Directors. Finally, if you are still not satisfied, you may seek judicial review of your claim.

You and/or your attorney or representative may present your case at any level of appeal.

Appeals must be filed no later than eighteen months after you vacate the acquired premises, or within eighteen months after the date on which the County or Agency has made its final payment for the property, whichever is later.

You may accept the County or Agency's authorized amount of your claim with no effect on your right to appeal for additional amounts.

Please note that no attorneys fees or other expenses associated with an appeal will be paid for or reimbursed by the County or Agency.

DEFINITIONS

Comparable Replacement Dwelling:

A comparable replacement dwelling must be decent, safe and sanitary, and functionally equivalent to your present dwelling. While not necessarily identical to your present dwelling, a comparable replacement dwelling should be capable of contributing to a comparable style of living and should contain similar, although not necessarily identical, features to those found in the dwelling from which you are being displaced. In addition, a comparable replacement dwelling should be:

- ◆ Adequate in size to accommodate the occupants. (e.g., you and your family).
- ◆ Located in an area that is not subject to unreasonable adverse environmental conditions.
- ◆ Located in an area that is not less desirable than your present location with respect to public utilities and commercial and public facilities.
- ◆ Reasonably accessible to your place of employment.
- ◆ Located on a site that is typical in size for residential development with normal site improvements.
- ◆ Currently available on the private market.
- ◆ Within your financial means.

A comparable replacement dwelling is within the financial means of a displaced person who rents the replacement dwelling if the monthly rental cost (rent + utilities), minus any replacement housing payment(s) received from the County or Agency, does not exceed 30% of the person's average gross monthly income.

If you are an owner-occupant and are eligible for and receive a Purchase Supplement, a comparable replacement dwelling is within your financial means if the purchase price for the replacement dwelling does not exceed the sum of the amount of just compensation for the dwelling the County or Agency acquired from you, plus the Purchase Supplement amount.

Decent, Safe, and Sanitary (DSS):

Replacement housing must be decent, safe, and sanitary, which means that it:

- ◆ Is structurally sound, weathertight, and in good repair.
- ◆ Contains a safe electrical wiring system adequate for lighting and electrical appliances.
- ◆ Contains a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) except in those areas where local climatic conditions do not require such a system.
- ◆ Is adequate in size with respect to the number of rooms and area of living space to accommodate the displaced person(s).
- ◆ Contains a well-lighted and ventilated bathroom providing privacy to the user and containing a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and sewage drainage system.
- ◆ Contains a kitchen area with a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, with adequate space and utility connections for a stove and refrigerator.
- ◆ Has unobstructed egress to safe, open space at ground level.
- ◆ Is free of any barriers which prevent reasonable ingress, egress, or use of the dwelling in the case of a handicapped displaced person.

Displaced Person:

- ◆ Any person who occupies property from which he or she will be displaced.
- ◆ Any person who will move from real property or will move his or her personal property from real property because he or she will be displaced from other real property on which he or she conducts a business or farm operation.

- ◆ Any person who is displaced from real property as a direct result of its acquisition by the County or Agency.
- ◆ Any person who, following the initiation of negotiations by the County/Agency, is displaced as a direct result of the pending acquisition.
- ◆ Any person who moves as the result of a pending acquisition, rehabilitation, or demolition by the County or Agency either following receipt of a Notice of Intent to Displace or as a result of inducement or encouragement by the County or Agency, if such person has not previously waived in writing the right to relocation benefits.

Please note that if the County/Agency does not complete the purchase, a tenant or owner may not be eligible for relocation benefits. It is important, therefore, that you contact your Relocation Coordinator **before you** move to assure eligibility.

Initiation of Negotiations:

The date the County/Agency makes the first personal contact with the owner of real property or his/her representative, to provide a written offer for the property.

Length of Occupancy:

Length of occupancy is the number of days that a resident occupied the dwelling before the date of initiation of negotiations by the County/Agency for the purchase of the property.

Program or Project:

Any activity or series of activities undertaken by the County or Agency.

ADDITIONAL INFORMATION

To All Persons Displaced From a Residence

The most important thing to remember is that the replacement dwelling you select must meet the basic “decent, safe, and sanitary” standards. **Do not execute a sales contract or a lease agreement until a representative from the County/Agency has inspected and certified in writing that the dwelling you propose to purchase or rent does meet the basic standards.** Please do not jeopardize your right to receive a replacement housing payment by moving into a substandard dwelling.

Notice Required

In most cases, no person eligible for relocation payments and who is **LAWFULLY** occupying real property required for a project will be asked to move without first being given at least 90 days’ advance notice in writing.

In the event you rent from the County or Agency subsequent to the County or Agency’s purchase, you may be evicted **WITHOUT** 90 days’ advance notice for reasons such as the following:

1. Failure to pay rent, except for just cause.
2. Performance of a dangerous or illegal act on the premises.
3. Material breach of the Rental Agreement and failure to correct within 30 days of notice.
4. Maintenance of a nuisance and failure to abate within a reasonable time following notice.
5. The eviction is required by State Law or County Ordinance, and cannot be prevented by reasonable efforts on the part of the public entity.
6. For Health or Safety reasons.

Fair Housing

The Fair Housing Law (actually Title VI of the Civil Rights Act of 1964 and the Title VIII of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. These Acts and Executive Order 11063 make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Relocation Payments As Income

Relocation payments received are not normally considered as income for the purpose of the Internal Revenue Code of 1954, or for the purpose of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other federal law (except for any federal law providing low-income housing assistance). Generally, relocation payments are not considered as resources to persons who receive Welfare or Public Assistance Payments. However, some payments may affect your eligibility for federally-assisted programs. Consult your tax advisor for further advice.

Relocation benefit payments are generally not subject to attachment for payment of debt or liens by third parties. If any problem arises regarding attachment, please notify your Relocation Coordinator who will assist you in determining your liability.

The above statements concerning income and tax consequences of relocation assistance are not presented as tax advice. You must consult your own tax advisor or attorney for guidance as to the tax consequences of receipt of relocation assistance.

IMPORTANT NOTICE.

This brochure is a general description of the Relocation Assistance Program and is not intended as a complete statement of all State, federal and County laws and regulations which, if not complied with, could cause loss of, or reduction in the amount of relocation benefits a person might otherwise receive. Loss of eligibility may occur if you purchase or move from your property without first contacting your Relocation Coordinator.

No thing stated herein shall be deemed to provide greater relocation assistance than that provided for by applicable law, including but not limited to Government Code Sections 7260 et seq. and Sections 6000 et seq. of Title 25 of the California Code of Regulations. In the event of any discrepancy between the contents of this brochure and applicable law, applicable law shall apply.

Additional information regarding the Relocation Assistance Program is available from your Relocation Coordinator, whose name and telephone number are listed on the inside front cover of this brochure.