

SOUND TRANSIT'S REAL PROPERTY ACQUISITIONS AND RELOCATION POLICY, PROCEDURES AND GUIDELINES



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POLICY, PROCEDURES AND GUIDELINES**

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1. Policy

In order to build and operate a high capacity transit system as authorized by the voters within Sound Transit's district and as provided by state law, it will be necessary for Sound Transit to acquire real property. This will result in the dislocation of property owners, businesses, tenants, and individuals located on such real property. It is Sound Transit's intent to treat such property owners and their tenants fairly, to minimize hardships of displacement by equitable treatment of persons and businesses displaced as a direct result of the development of Sound Transit's high capacity transportation projects, and to seek cooperative settlements of property acquisitions and relocation claims. These Real Property Acquisition and Relocation Policy, Procedures and Guidelines ("Procedures") are written to provide Sound Transit with the ability to accomplish these goals within Sound Transit's limited resources and schedule constraints.

These Procedures should be implemented so as to encourage the cooperative acquisition of real property for the implementation of Sound Transit's high capacity transportation projects by agreements with owners and tenants which avoid protracted disputes and litigation where possible. However, all properties acquired under this Program, whether acquired cooperatively or through eminent domain litigation, will be acquired "under threat of condemnation."

2. Purpose

These Procedures are to be carried out such that Sound Transit's program of acquisition of real property for, and relocation of, persons displaced by the implementation of Sound Transit's plan to build and operate a high capacity transportation system in the Central Puget Sound Region (the "Project"), complies with applicable federal and state law. The Project will include transit supportive and transit-oriented development undertaken by Sound Transit consistent with Sound Transit Board's adopted guidelines for transit-oriented development.

3. State and Federal Law

Sound Transit certifies that it will comply with the Revised Code of Washington (RCW), Chapter 8.26, Washington Administrative Code (WAC) Chapter 468-100, United States Code (USC) Title 42, and Code of Federal Regulations (CFR), 49 CFR Part 24, and the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, Public Law 91-464 and Public Law 112-114 in connection with the acquisition of real property for, and relocation of, persons displaced by the implementation of Sound Transit's high capacity transportation projects. In order to do so, Sound Transit has established a real estate acquisition and relocation program that is comprised of these Procedures and future administrative policies and procedures (the "Program").

4. Accountability and Delegation

Sound Transit's Board will be responsible for the policy direction of Sound Transit's Program. By adopting these Procedures, Sound Transit's Board is establishing the acceptable terms and conditions for the property acquisitions and relocation by Sound

Transit. Sound Transit's Board will determine when real property must be acquired by the use of condemnation. However, in the interest of administrative efficiency, the Board hereby acknowledges certain delegations of authority regarding property and leasehold transactions and improvements. The Board hereby further authorizes the Chief Executive Officer to adopt such administrative rules, procedures or guidelines as the Chief Executive Officer may determine to be necessary to implement these Procedures, and also authorizes the Chief Executive Officer to modify these Procedures as may be necessary to comply with changes in applicable laws or regulations or Board-adopted policies.

5. Definitions and Acronyms

5.1 Definitions

Unless otherwise noted, the following terms used in these Procedures will be understood as defined in this Section:

- a. *Alien not lawfully present in the United States.* The phrase *alien not lawfully present in the United States* means an alien who is not "lawfully present" in the United States as defined in 8 CFR 103.12 state and federal law and includes:
 - (1) An alien present in the United States who has not been admitted or paroled into the United States pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and whose stay in the United States has not been authorized by the United States Attorney General; and,
 - (2) An alien who is present in the United States after the expiration of the period of stay authorized by the United States Attorney General or who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States.
- b. *Appraisal.* The term *appraisal* means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.
- c. *Business.* The term *business* means any lawful activity, except a farm operation, that is conducted:
 - (1) Primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property;
 - (2) Primarily for the sale of services to the public;

- (3) Primarily for outdoor advertising display purposes, when the display must be moved as a result of the Project; or
 - (4) By a nonprofit organization that has established its nonprofit status under applicable federal or state law.
- d. *Citizen*. The term *citizen* includes both citizens of the United States and noncitizen nationals.
- e. *Comparable replacement dwelling*. The term *comparable replacement dwelling* means a dwelling which is:
 - (1) Decent, safe and sanitary according to the definition in Paragraph g of this Section;
 - (2) Functionally equivalent to the displacement dwelling. The term *functionally equivalent* means that it performs the same function, and provides the same utility. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, Sound Transit may consider reasonable trade-offs for specific features when the replacement unit is equal to or better than the displacement dwelling
 - (3) Adequate in size to accommodate the occupants;
 - (4) Located in an area not subject to unreasonable adverse environmental conditions;
 - (5) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment;
 - (6) Located on a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses. (See also Section 10.4a(2))
 - (7) Currently available to the displaced person on the private market except as provided in Paragraph e(9) of this Section; and
 - (8) Priced within the financial means of the displaced person:

- (a) A replacement dwelling purchased by a homeowner in occupancy at the displacement dwelling for at least 180 days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner's financial means if the homeowner will receive the full price differential as described in Section 10.2c, all increased mortgage interest costs as described at Section 10.2d and all incidental expenses as described at Section 10.2e, plus any additional amount required to be paid under Section 10.5, Replacement Housing of Last Resort.
 - (b) A replacement dwelling rented by an eligible displaced person is considered to be within his or her financial means if, after receiving rental assistance under these Procedures, the person's monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the person's base monthly rental for the displacement dwelling as described at Section 10.3b(2).
 - (c) For a displaced person who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if Sound Transit pays that portion of the monthly housing costs of a replacement dwelling which exceeds the person's base monthly rent for the displacement dwelling as described in Section 10.3b(2). Such rental assistance must be paid under Section 10.5, Replacement Housing of Last Resort.
- (9) For a person receiving government housing assistance before displacement, a dwelling that may reflect similar government housing assistance. In such cases any requirements of the government housing assistance program relating to the size of the replacement dwelling will apply.
- f. *Contribute materially.* The term *contribute materially* means that during the two taxable years prior to the taxable year in which displacement occurs, or during such other period as Sound Transit determines to be more equitable, a business or farm operation:
 - (1) Had average annual gross receipts of at least \$5,000; or
 - (2) Had average annual net earnings of at least \$1,000; or
 - (3) Contributed at least 33⅓ percent of the owner's or operator's average annual gross income from all sources.

If the application of the above criteria would create an inequity or hardship in any given case, Sound Transit may approve the use of other criteria as determined appropriate.

- g. *Days*. The term *days* means calendar days, which includes all days in a month, including weekends and holidays.
- h. *Decent, safe, and sanitary dwelling*. The term *decent, safe, and sanitary dwelling* means a dwelling that meets local housing and occupancy codes. However, any of the following standards that are not met by the local code will apply unless waived for good cause by the federal agency funding the Project, if applicable. The dwelling will:
 - (1) Be structurally sound, weather tight, and in good repair;
 - (2) Contain a safe electrical wiring system adequate for lighting and other devices;
 - (3) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system;
 - (4) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes will not exceed that permitted by local housing codes or, in the absence of local codes, Sound Transit's policies. In addition, Sound Transit will follow the requirements for separate bedrooms for children of the opposite gender included in local housing codes or in the absence of local codes, Sound Transit policies;
 - (5) Contain a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there will be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator;
 - (6) Contains unobstructed egress to safe, open space at ground level; and
 - (7) For a displaced person with a disability, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

i. *Displaced person*

- (1) General. The term *displaced person* means, except as provided in Paragraph (2) of this Section, any person who moves from the real property or moves his/her personal property from the real property. (This includes a person who occupies the real property prior to its acquisition, but who does not meet the length of occupancy requirements described at Sections 10.2a and 10.3a):
 - (a) As a direct result of a written notice of intent to acquire (see Section 8.1c(5)), the initiation of negotiations for, or the acquisition of, such real property in whole or in part for the Project;
 - (b) As a direct result of rehabilitation or demolition for the Project; or
 - (c) As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for the Project. However, eligibility for such person under this Paragraph applies only for purposes of obtaining relocation assistance advisory services under Section 8.3b, and moving expenses under Section 9.1, 9.3 or 9.5.
- (2) *Persons not displaced.* The following is a nonexclusive listing of persons who do not qualify as displaced persons under these Procedures:
 - (a) A person who moves before the initiation of negotiations (see Section 10.4d), unless Sound Transit determines that the person was displaced as a direct result of the Project;
 - (b) A person who initially enters into occupancy of the property after the date of its acquisition for the Project;
 - (c) A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act;
 - (d) A person who is not required to relocate permanently as a direct result of the Project. Such determination will be made by Sound Transit in accordance with any guidelines established by the federal agency funding the Project, if applicable.

- (e) An owner-occupant who moves as a result of an acquisition of real property as described in 6.2a, 6.2b or 6.2c, or as a result of the rehabilitation or demolition of the real property. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a federally-assisted project is subject to these Procedures.);
- (f) A person whom Sound Transit determines is not displaced as a direct result of a partial acquisition;
- (g) A person who, after receiving a notice of relocation eligibility (described at Section 8.1b), is notified in writing that he/she will not be displaced for the Project. Such written notification will not be issued unless the person has not moved and Sound Transit agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility;
- (h) An owner-occupant who conveys his/her property, as described in Section 6.2a or 6.2b, after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, Sound Transit will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to the regulations in these Procedures;
- (i) A person who retains the right of use and occupancy of the real property for life following its acquisition by Sound Transit;
- (j) A person who is determined to be in unlawful occupant prior to or after the initiation of negotiations, or a person who has been evicted for cause, under applicable law, as provided for in Section 8.4. However, advisory assistance may be provided to unlawful occupants at the option of Sound Transit in order to facilitate the Project;
- (k) A person who is not lawfully present in the United States and who has been determined to be ineligible for relocation assistance in accordance with Section 8.6; or
- (l) Tenants required to move as a result of the sale of their dwelling to a person using down payment assistance provided under the American Dream Down Payment Initiative (ADDI) authorized by Section 102 of the

American Dream Down Payment Act (Pub. L. 108–186; codified at 42 U.S.C. 12821).

- j. *Dwelling*. The term *dwelling* means the place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.
- k. *Dwelling site*. The term *dwelling site* means a land area that is typical in size for similar dwellings located in the same neighborhood or rural area.
- l. *Fair market value*. The value of real property established by an appraisal and review appraisal, as set forth in Section 7.1.
- m. *Farm operation*. The term *farm operation* means any 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 contributing materially to the operator's support.
- n. *Federal financial assistance*. The term *federal financial assistance* means a grant, loan, or contribution provided by the United States, except any federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.
- o. *Household income*. The term *household income* means total gross income received for a 12-month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received or earned by dependent children and full-time students under 18 years of age.
- p. *Initiation of negotiations*. The term *initiation of negotiations* means the delivery of the initial written offer of just compensation by Sound Transit to the owner or the owner's representative to purchase the real property for the Project. However, if Sound Transit issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the *initiation of negotiations* means the actual move of the person from the property.
 - (1) If the displacement is caused by rehabilitation, demolition or privately undertaken acquisition of the real property (and there is no related acquisition by Sound Transit), the *initiation of negotiations* means the notice to the person that he/she will be

displaced by the Project or, if there is no notice, the actual move of the person from the property.

- (2) In the case of a permanent relocation to protect the public health and welfare, under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96–510, or Superfund) (CERCLA) the *initiation of negotiations* means the formal announcement of such relocation or the federal or federally-coordinated health advisory where the federal government later decides to conduct a permanent relocation.
 - (3) In the case of permanent relocation of a tenant as a result of an acquisition of real property described in Section 6.2a or 6.2b, the *initiation of negotiations* means the actions described in Subparagraphs (1) and (2) above, except that such initiation of negotiations does not become effective, for purposes of establishing eligibility for relocation assistance for such tenants under these Procedures, until there is a written agreement between Sound Transit and the owner to purchase the real property.
- q. *Mobile home*. The term *mobile home* includes manufactured homes and recreational vehicles used as residences.
- r. *Mortgage*. 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 the State of Washington, together with the credit instruments, if any, secured thereby.
- s. *Nonprofit organization*. The term *nonprofit organization* means an organization that is incorporated under the applicable laws of a state as a nonprofit organization, and exempt from paying federal income taxes under Section 501 of the Internal Revenue Code (26 U.S.C. 501).
- t. *Owner of a dwelling*. The term *owner of a dwelling* means a person who is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:
 - (1) Fee title, a life estate, a land contract, a 99 year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition; or
 - (2) An interest in a cooperative housing project which includes the right to occupy a dwelling; or
 - (3) A contract to purchase any of the interests or estates described in Subparagraphs (1) or (2) of this Section; or

- (4) Any other interest, including a partial interest, which in the judgment of Sound Transit warrants consideration as ownership.
- u. *Person*. The term *person* means any individual, family, partnership, corporation, or association.
- v. *Procedures*. The term *Procedures* means the Sound Transit Real Property Acquisition and Relocation Policy, Procedures, and Guidelines, as contained in this document.
- w. *Project*. The term *Project* means the implementation of Sound Transit's plan to build and operate a high capacity transportation system in the Central Puget Sound region.
- x. *Salvage value*. The term *salvage value* means the probable sale price of an item offered for sale to knowledgeable buyers with the requirement that it be removed from the property at a buyer's expense (i.e., not eligible for relocation assistance). This includes items for re-use as well as items with components that can be re-used or recycled when there is no reasonable prospect for sale except on this basis.
- y. *Small business*. A *small business* is a business having not more than 500 employees working at the site being acquired or displaced by the Project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of Section 9.4.
- z. *State*. Any department, commission, agency or instrumentality of the State of Washington.
- aa. *Tenant*. The term *tenant* means a person who has the temporary use and occupancy of real property owned by another.
- bb. *Uneconomic remnant*. The term *uneconomic remnant* means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which Sound Transit has determined has little or no value or utility to the owner.
- cc. *Uniform Act*. The term *Uniform Act* means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894; 42 U.S.C. 4601 et seq.), and amendments thereto.
- dd. *Unlawful occupant*. A person who occupies without property right, title or payment of rent or a person legally evicted, with no legal rights to occupy a property under state law. Sound Transit, at its discretion, may consider such person to be in unlawful occupancy.

- ee. *Utility costs.* The term *utility costs* means expenses for electricity, gas, other heating and cooking fuels, water and sewer.
- ff. *Utility facility.* The term *utility facility* means any electric, gas, water, steam power, or materials transmission or distribution system; any transportation system; any communications system, including cable television; and any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system. A *utility facility* may be publicly, privately, or cooperatively owned.
- gg. *Utility relocation.* The term *utility relocation* means the adjustment of a utility facility required by the Project undertaken by Sound Transit. It includes removing and reinstalling the facility, including necessary temporary facilities; acquiring necessary right-of-way on a new location; moving, rearranging or changing the type of existing facilities; and taking any necessary safety and protective measures. It also means constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the Project economy, or sequence of Project construction.
- hh. *Waiver valuation.* The term *waiver valuation* means the valuation process used and the product produced when Sound Transit determines that an appraisal is not required, pursuant to Section 7.1a.

5.2 Acronyms

The following acronyms are used in these Procedures:

- a. BCIS - Bureau of Citizenship and Immigration Service
- b. FHA - Federal Housing Administration
- c. FIRREA - Financial Institutions Reform, Recovery, and Enforcement Act of 1989
- d. USPAP - Uniform Standards of Professional Appraisal Practice
- e. CFR - Code of Federal Regulations
- f. FR - Federal Register
- g. RCW - Revised Code of Washington (state)
- h. WAC - Washington (state) Administrative Code

6. Applicability

6.1 Applicability of Procedures, Generally

- a. These Procedures generally apply to real property acquisitions by Sound Transit for the purposes of implementing the Project. In addition to the acquisition of fee simple title, these Procedures apply to the acquisition of the following property interests:
 - (1) Fee simple title subject to a life estate or life use;
 - (2) Leasehold interests when the lease term, including option(s) for extension is 50 years or more;
 - (3) Permanent easement(s); and
 - (4) Other partial interests, which in Sound Transit's judgment, should be covered.

6.2 Exceptions

These Procedures do not apply to acquisitions described in Paragraphs a through c of this Section but tenants (not owner-occupants) who must move as a result of such acquisitions may be eligible for relocation assistance benefits and may be considered displaced persons (see Section 5.1i):

- a. These Procedures do not apply to acquisitions that meet all of the conditions in Subparagraphs (1) - (4) below.
 - (1) No specific site or property needs to be acquired, although Sound Transit may limit its search for alternative sites to a general geographic area. Where Sound Transit wishes to purchase more than one site within a general geographic area on this basis, all owners are to be treated similarly.
 - (2) The property to be acquired is not part of an intended, planned, or designated Project area where all or substantially all of the property within the area is to be acquired within specific time limits.
 - (3) Sound Transit will not acquire the property if negotiations fail to result in an agreement, and the owner is so informed in writing.
 - (4) Sound Transit informs the owner in writing of what it believes to be the fair market value of the property.

- b. The acquisition of real property from a federal agency, state, or state agency, if Sound Transit does not have authority to acquire the property through condemnation.
- c. These Procedures do not apply to temporary easements or permits needed solely to perform work intended exclusively for the benefit of the property owner, which work may not be done if agreement cannot be reached.

6.3 No Duplication of Payments

No person will receive any payment under these Procedures if that person receives a payment under federal, state, local law, or insurance proceeds which is determined by Sound Transit to have the same purpose and effect as such payment under these Procedures.

7. **Basic Acquisition Procedures**

Sound Transit will make every reasonable effort to acquire the real property expeditiously by negotiation. As soon as feasible, Sound Transit will notify the owner in writing of Sound Transit's interest in acquiring the real property and the basic protections provided to the owner by law and these Procedures (see Section 8). Before initiating negotiations to acquire property, Sound Transit will establish an amount it believes to be just compensation for the property. The amount will be based on an appraisal and review appraisal, and will not be less than Sound Transit's appraisal of fair market value. Real property will be appraised as described in these Procedures. The owner and the owner's designated representative will be given an opportunity to accompany at least one Sound Transit appraiser during an inspection of the property, except in cases where an appraisal is waived, as set forth below.

7.1 Appraisals

Before initiating negotiations to acquire real property, Sound Transit will obtain an appraisal of the property or prepare a waiver valuation, as described in these Procedures.

- a. *Waiver Valuation.* An appraisal is not required if:
 - (1) The owner is donating the property and releases Sound Transit from its obligation to appraise the property; or
 - (2) Sound Transit determines that a waiver valuation is appropriate. A waiver valuation is appropriate if the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at \$10,000 or less, based on a review of available data. A waiver valuation also is appropriate if (a) the anticipated value of the proposed acquisition is \$25,000 or less, based on a review of available data, (b) Sound Transit offers the property owner the option of having Sound Transit appraise the

property and the property owner declines, and (c) the federal agency funding the Project approves the \$25,000 threshold for the waiver valuation.

The person performing the waiver valuation must have sufficient understanding of the local real estate market to be qualified to make the waiver valuation.

b. *Appraisal Requirements*

- (1) Documentation. The format and level of documentation will depend on the complexity of the appraisal problem. An appraisal other than a waiver valuation will reflect nationally recognized appraisal standards, including Uniform Standards of Professional Appraisal Practices (USPAP), and Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA). An appraisal must contain sufficient documentation, including land valuation data and the appraiser's analysis of that data, to support the appraiser's opinion of fair market value. At a minimum, the appraisal will contain the following items:
 - (a) The purpose and/or the function of the appraisal, a definition of the estate being appraised, and a statement of the assumptions and limiting conditions affecting the appraisal.
 - (b) An adequate description of the physical characteristics of the property being appraised (and, in the case of a partial acquisition, an adequate description of the remaining property), including items identified as personal property, a statement of the known and observed encumbrances, if any, title information, location, zoning, present use, an analysis of highest and best use, and at least a 5-year sales history of the property.
 - (c) All relevant and reliable approaches to value consistent with established federal and federally-assisted program appraisal practices. If the appraiser uses more than one approach, there will be an analysis and reconciliation of approaches to value used that is sufficient to support the appraiser's opinion of value.
 - (d) A description of comparable sales, including a description of all relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction.

- (e) A statement of the value of the real property to be acquired and, for a partial acquisition, a statement of the value of the damages and benefits, if any, to the remaining real property, where appropriate.
 - (f) The effective date of valuation, date of appraisal, signature, and certification of the appraiser.
- (2) Influence of the Project on just compensation. The appraiser will disregard any decrease or increase in the fair market value of the real property caused by the Project for which the property is to be acquired, or by the likelihood that the property would be acquired for the Project, other than that due to physical deterioration within the reasonable control of the owner.
- (3) Owner retention of improvements. If the owner of a real property improvement is permitted to retain it for removal from the Project site, the amount to be offered for the interest in the real property to be acquired will be not less than the difference between the amount determined to be just compensation for the owner's entire interest in the real property and the salvage value (defined at Section 5.1x) of the retained improvement.
- (4) Qualifications of appraisers and review appraisers
 - (a) Appraisers will be licensed to perform appraisals in the State of Washington and will be members in good standing and, at a minimum, hold a professional designation from one or more of the following nationally recognized appraisal societies:
 - (i) Appraisal Institute;
 - (ii) International Right of Way Association; or
 - (iii) National Association of Independent Fee Appraisers
 - Appraiser qualifications will be consistent with the level of difficulty of the appraisal assignment. Sound Transit will review the experience, education, training, and other qualifications of appraisers, including review appraisers, and use only those Sound Transit determines to be qualified.
 - (b) If Sound Transit uses a contract appraiser to perform the appraisal, such appraiser will be state licensed or certified in accordance with Title XI of the Financial Institutions

Reform, Recovery, and Enforcement Act of 1989
(FIRREA) (12 U.S.C. 3331 et seq.).

c. *Review of Appraisals*

- (1) A qualified review appraiser (see Paragraph b(4) above) will examine the presentation and analysis of market information in all appraisals to assure that they meet the definition of appraisal found in 49 CFR 24.2(a)(3), appraisal requirements found in 49 CFR 24.103 and other applicable requirements, including, to the extent appropriate, the UASFLA, and support the appraiser's opinion of value. The level of review analysis depends on the complexity of the appraisal problem. As needed, the review appraiser will, prior to acceptance, seek necessary corrections or revisions. The review appraiser will identify each appraisal report as recommended (as the basis for the establishment of the amount believed to be just compensation), accepted (meets all requirements, but not selected as recommended or approved), or not accepted. If authorized by Sound Transit to do so, the staff review appraiser will also approve the appraisal (as the basis for the establishment of the amount believed to be just compensation), and, if also authorized to do so, develop and report the amount believed to be just compensation.
- (2) If the review appraiser is unable to recommend (or approve) an appraisal as an adequate basis for the establishment of the offer of just compensation, and it is determined by Sound Transit that it is not practical to obtain an additional appraisal, the review appraiser may, as part of the review, present and analyze market information in conformance with Section 7.1b to support a recommended (or approved) value.
- (3) The review appraiser will prepare a written report that identifies the appraisal reports reviewed and documents the findings and conclusions arrived at during the review of the appraisal(s). Any damages or benefits to any remaining property will be identified in the review appraiser's report. The review appraiser will also prepare a signed certification that states the parameters of the review. The certification will state the approved value, and, if the review appraiser is authorized to do so, the amount believed to be just compensation for the acquisition.

d. *Conflict of Interest*

- (1) The appraiser, review appraiser or person performing the waiver valuation will not have any interest, direct or indirect, in the real property being valued for Sound Transit. Compensation for

making an appraisal or waiver valuation will not be based on the amount of the valuation estimate.

- (2) No person will attempt to unduly influence or coerce an appraiser, review appraiser, or waiver valuation preparer regarding any valuation or other aspect of an appraisal, review or waiver valuation. Persons functioning as negotiators may not supervise or formally evaluate the performance of any appraiser or review appraiser performing appraisal or appraisal review work, except that, for a program or project receiving federal financial assistance, the federal funding agency may waive this requirement if it determines it would create a hardship for Sound Transit.
- (3) Sound Transit may authorize an appraiser, review appraiser, or waiver valuation preparer making an appraisal, appraisal review or waiver valuation to act as a negotiator for real property for which that person has made an appraisal, appraisal review or waiver valuation only if the offer to acquire the property is \$10,000, or less.

7.2 Basic Negotiation Procedures

Sound Transit will make all reasonable efforts to contact the owner or the owner's representative and discuss its offer to purchase the property, including the basis for the offer of just compensation and explain its acquisition policies and procedures, including its payment of incidental expenses in accordance with Section 7.4. The owner will be given reasonable opportunity to consider the offer and present material which the owner believes is relevant to determining the value of the property and to suggest modification in the proposed terms and conditions of the purchase. Sound Transit will consider the owner's presentation.

- a. *Establishment and offer of just compensation.* Before the initiation of negotiations, Sound Transit will establish an amount which it believes is just compensation for the real property. The amount will not be less than the approved appraisal of the fair market value of the property, taking into account the value of allowable damages or benefits to any remaining property. If the owner of a real property improvement is permitted to retain it for removal from the Project site, the amount to be offered for the interest in the real property to be acquired will be not less than the difference between the amount determined to be just compensation for the owner's entire interest in the real property and the salvage value (defined in Section 5.1x) of the retained improvement. A Sound Transit official must establish the amount believed to be just compensation. (See Section 9.1) Promptly thereafter, Sound Transit will make a written offer to the owner to acquire the property for the full amount believed to be just compensation.

- b. *Summary statement.* Along with the initial written purchase offer, Sound Transit will give the owner a written statement of the basis for the offer of just compensation, which will include:
 - (1) A statement of the amount offered as just compensation. In the case of a partial acquisition, the compensation for the real property to be acquired and the compensation for damages, if any, to the remaining real property will be separately stated.
 - (2) A description and location identification of the real property and the interest in the real property to be acquired.
 - (3) An identification of the buildings, structures, and other improvements (including removable building equipment and trade fixtures) which are included as part of the offer of just compensation. Where appropriate, the statement will identify any other separately held ownership interest in the property, e.g., a tenant-owned improvement, and indicate that such interest is not covered by this offer.
- c. *Updating offer of just compensation.* If the information presented by the owner, or a material change in the character or condition of the property, indicates the need for new appraisal information, or if a significant delay has occurred since the time of the appraisal(s) of the property, Sound Transit will have the appraisal(s) updated or obtain a new appraisal(s). If the latest appraisal information indicates that a change in the purchase offer is warranted, Sound Transit will promptly reestablish just compensation and offer that amount to the owner in writing.
- d. *Coercive action.* Sound Transit will not advance the time of condemnation, or defer negotiations or condemnation or the deposit of funds with the court, or take any other coercive action in order to induce an agreement on the price to be paid for the property.
- e. *Administrative settlement.* When authorized by the Sound Transit Board, and subject to any approvals required in connection with federal funding, the purchase price for the property may exceed the amount offered as just compensation when reasonable efforts to negotiate an agreement at that amount have failed.
- f. *Payment before taking possession.* Before requiring the owner to surrender possession of the real property, Sound Transit will pay the agreed purchase price to the owner, or in the case of a condemnation, deposit with the court, for the benefit of the owner, an amount not less than Sound Transit's approved appraisal of the fair market value of such property, or the court award of compensation in the condemnation proceeding for the property. In exceptional circumstances, with the prior approval of the

owner, Sound Transit may obtain a right-of-entry for project purposes before making payment available to an owner.

- g. *Uneconomic remnant.* If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, Sound Transit will offer to acquire the uneconomic remnant along with the portion of the property needed for the Project. (See Section 5.1bb)
- h. *Inverse condemnation.* If Sound Transit intends to acquire any interest in real property by exercise of the power of eminent domain, it will institute formal condemnation proceedings and not intentionally make it necessary for the owner to institute legal proceedings to prove the fact of the taking of the real property.
- i. *Fair rental.* If Sound Transit permits a former owner or tenant to occupy the real property after acquisition for a short term, or a period subject to termination by Sound Transit on short notice, the rent will not exceed the fair market rent for such occupancy.

7.3 Acquisition of Improvements

- a. *Acquisition of improvements.* When acquiring any interest in real property, Sound Transit will offer to acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property to be acquired, which it requires to be removed or which it determines will be adversely affected by the use to which such real property will be put. This will include any improvement of a tenant-owner who has the right or obligation to remove the improvement at the expiration of the lease term.
- b. *Improvements considered to be real property.* Any building, structure, or other improvement, which would be considered to be real property if owned by the owner of the real property on which it is located, will be considered to be real property for purposes of this subpart.
- c. *Appraisal and establishment of just compensation for a tenant-owned improvement.* Just compensation for a tenant-owned improvement is the amount which the improvement contributes to the fair market value of the whole property, or its salvage value, whichever is greater. (Salvage value is defined at Section 5.1x)
- d. *Special conditions for tenant-owned improvements.* No payment will be made to a tenant-owner for any real property improvement unless:
 - (1) The tenant-owner, in consideration for the payment, assigns, transfers, and releases to Sound Transit all of the tenant-owner's right, title, and interest in the improvement;

- (2) The owner of the real property on which the improvement is located disclaims all interest in the improvement; and
 - (3) The payment does not result in the duplication of any compensation otherwise authorized by law.
- e. *Alternative compensation.* Nothing in these Procedures will be construed to deprive the tenant-owner of any right to reject payment under this Section and to obtain payment for such property interests in accordance with other applicable law.

7.4 Expenses Incidental to Transfer of Title to Sound Transit

- a. Sound Transit will reimburse the owner of the real property for all reasonable expenses the owner necessarily incurred for:
 - (1) Recording fees, transfer taxes, documentary stamps, evidence of title, boundary surveys, legal descriptions of the real property, and similar expenses incidental to conveying the real property to Sound Transit. However, Sound Transit is not required to pay costs solely required to perfect the owner's title to the real property;
 - (2) Penalty costs and other charges for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and
 - (3) The pro rata portion of any prepaid real property taxes which are allocable to the period after Sound Transit obtains title to the property or effective possession of it, whichever is earlier.
- b. Whenever feasible, Sound Transit will pay these costs directly to the billing agent so that the owner will not have to pay such costs and then seek reimbursement from Sound Transit.

7.5 Certain Litigation Expenses

Sound Transit will reimburse the owner of the real property for any reasonable expenses, including reasonable attorney, appraisal, and engineering fees, which the owner actually incurred because of a condemnation proceeding, if:

- a. The final judgment of the court is that Sound Transit cannot acquire the real property by condemnation;
- b. The condemnation proceeding is abandoned by Sound Transit other than under an agreed-upon settlement; or

- c. The court having jurisdiction renders a judgment in favor of the owner in an inverse condemnation proceeding or Sound Transit effects a settlement of such proceeding.

7.6 Donations

An owner whose real property is being acquired may, after being fully informed by Sound Transit of the right to receive just compensation for such property, donate such property or any part thereof, any interest therein, or any compensation paid therefore, to Sound Transit as such owner will determine. Sound Transit is responsible for ensuring that an appraisal of the real property is obtained unless the owner releases Sound Transit from such obligation, except as provided in Section 7.1a.

7.7 Additional Reimbursements

Sound Transit may reimburse the owner of real property to be acquired for certain expenses incurred to evaluate Sound Transit's offer. The expenses eligible for reimbursement may include: professional services, including legal fees, not to exceed \$7,500 (other than legal fees ineligible for reimbursement under Section 9.1h), real property and equipment appraisals, together not to exceed \$5,000, property surveys for replacement location, not to exceed \$2,500, and accounting fees not to exceed \$2,500, including applicable local and state taxes associated with those fees.

8. **General Relocation Requirements**

These requirements apply to the relocation of any displaced person as defined at Section 5.1i. Sound Transit will fully inform any person who qualifies as a displaced person of his/her rights and entitlements to relocation assistance and payments provided by the Uniform Act and these Procedures. Sound Transit will notify the displaced person that in order to be eligible for payments under this Section 8, the displaced person must: (1) provide Sound Transit with reasonable advance notice of the approximate date of the start of the move or disposition of the personal property and an inventory of the items to be moved (Sound Transit may waive this requirement) and (2) permit Sound Transit to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.

8.1 Relocation Notices

- a. *General information notice.* As soon as feasible, Sound Transit will provide a person scheduled to be displaced with a general written description of Sound Transit's relocation program. The written description will, at a minimum, accomplish the following:
 - (1) Inform the person that he/she may be displaced for the Project and generally describe the relocation payment(s) for which the person

may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);

- (2) Inform the displaced person that he/she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the displaced person successfully relocate;
 - (3) Inform the displaced person that he/she will not be required to move without at least 90 days advance written notice (see Paragraph c of this Section), and inform any person to be displaced from a dwelling that he/she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available;
 - (4) Inform the displaced person that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child, as defined in Section 8.6h; and
 - (5) Describe the displaced person's right to appeal Sound Transit's determination as to a person's application for assistance for which a person may be eligible under these Procedures.
- b. *Notice of relocation eligibility.* Eligibility for relocation assistance will begin on the date of a notice of intent to acquire (described in Section 8.1c(5)), the initiation of negotiations (defined in Section 5.1p), or actual acquisition, whichever occurs first. When this occurs, Sound Transit will promptly notify all occupants in writing of their eligibility for applicable relocation assistance.
- c. *Ninety-day notice*
- (1) General. No lawful occupant will be required to move unless he/she has received at least 90 days advance written notice of the earliest date by which he/she may be required to move.
 - (2) Timing of notice. Sound Transit may issue the notice 90 days or earlier before it expects the person to be displaced.
 - (3) Content of notice. The 90-day notice will state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date by which he/she must move. If the 90-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than 90 days after such a dwelling is made available. (See Section 8.2a)

- (4) Urgent need. In unusual circumstances, an occupant may be required to vacate the property on less than 90 days advance written notice if Sound Transit determines that a 90-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A copy of Sound Transit's determination will be included in the applicable case file.
- (5) Notice of intent to acquire. A notice of intent to acquire is Sound Transit's written communication that is provided to a person to be displaced which clearly sets forth that Sound Transit intends to acquire the property. A notice of intent to acquire establishes eligibility for relocation assistance prior to the initiation of negotiations. (See Section 5.1p)

8.2 Availability of Comparable Replacement Dwelling Before Displacement

- a. *General.* No person to be displaced will be required to move from his/her dwelling unless at least one comparable replacement dwelling (defined at Section 5.1e) has been made available to the person. When possible, three or more comparable replacement dwellings will be made available. A comparable replacement dwelling will be considered to have been made available to a person, if:
 - (1) The person is informed of its location;
 - (2) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and
 - (3) Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.
- b. *Exceptions.* The requirements of Paragraph a of this Section may be waived in any case where it is demonstrated that a person must move because of:
 - (1) A major disaster as defined in Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5122);
 - (2) A presidentially declared national emergency; or
 - (3) Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.

- c. *Basic conditions of emergency move.* Whenever a person to be displaced is required to relocate from the displacement dwelling for a temporary period because of an emergency as described in Paragraph b of this Section, Sound Transit will:
- (1) Take whatever steps are necessary to assure that the person is temporarily relocated to a decent, safe, and sanitary dwelling;
 - (2) Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in rent and utility costs incurred in connection with the temporary relocation; and
 - (3) Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily occupied dwelling.)

8.3 Relocation Planning, Advisory Services, and Coordination

- a. *Relocation planning.* During the early stages of project development, Sound Transit will plan in such a manner that recognizes the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations and develop solutions to minimize the adverse impacts of displacement. Such planning, where appropriate, will precede any action by Sound Transit which will cause displacement, and will be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations. Planning may involve a relocation survey or study, which may include the following:
- (1) An estimate of the number of households to be displaced including information such as owner/tenant status, estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, large families, and persons with disabilities when applicable.
 - (2) An estimate of the number of comparable replacement dwellings in the area (including price ranges and rental rates) that are expected to be available to fulfill the needs of those households displaced. When an adequate supply of comparable housing is not expected to be available, Sound Transit should consider housing of last resort actions.
 - (3) An estimate of the number, type and size of the businesses, farms, and nonprofit organizations to be displaced and the approximate number of employees that may be affected.

- (4) An estimate of the availability of replacement business sites. When an adequate supply of replacement business sites is not expected to be available, the impacts of displacing the businesses should be considered and addressed. Planning for displaced businesses which are reasonably expected to involve complex or lengthy moving processes or small businesses with limited financial resources and/or few alternative relocation sites should include an analysis of business moving problems.
 - (5) Consideration of any special relocation advisory services that may be necessary from Sound Transit and other cooperating Agencies.
- b. *Relocation assistance advisory services.* Sound Transit will provide relocation assistance advisory services, and may also provide relocation services to any person occupying property immediately adjacent to the property where the displacing activity occurs, if Sound Transit determines that the displacing activity is causing substantial economic injury to the adjacent property. In carrying out its relocation assistance advisory program, Sound Transit will comply with the provisions prohibiting discrimination on the basis of race, color, or national origin in Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq.*; the federal relocation requirements of Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601 *et seq.*; Executive Order 11063 (27 FR 11527) (Equal Opportunity in Housing) and other applicable law.

The advisory program will include such measures, facilities, and services as may be necessary or appropriate in order to:

- (1) Determine, for non-residential (businesses, farm and nonprofit organizations) displacements, the relocation needs and preferences of each business (farm and nonprofit organization) to be displaced and explain the relocation payments and other assistance for which the business may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This will include a personal interview with each business. At a minimum, interviews with displaced business owners and operators should include the following items:
 - (a) The business's replacement site requirements, current lease terms and other contractual obligations and the financial capacity of the business to accomplish the move.
 - (b) Determination of the need for outside specialists in accordance with Section 9.1g(12) that will be required to assist in planning the move, assistance in the actual move, and in the reinstallation of machinery and/or other personal property.

- (c) For businesses, an identification and resolution of personality/realty issues. Every effort must be made to identify and resolve realty/personality issues prior to, or at the time of, the appraisal of the property.
 - (d) An estimate of the time required for the business to vacate the site.
 - (e) An estimate of the anticipated difficulty in locating a replacement property.
 - (f) An identification of any advance relocation payments required for the move, and Sound Transit's legal capacity to provide them.
- (2) Determine, for residential displacements, the relocation needs and preferences of each person to be displaced and explain the relocation payments and other assistance for which the person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This will include a personal interview with each residential displaced person.
- (a) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available as set forth in Section 8.2a.
 - (b) As soon as feasible, Sound Transit will inform the person, in writing, of the specific comparable replacement dwelling and the price or rent used for establishing the upper limit of the replacement housing payment (see Sections 10.4a and 10.4b) and the basis for the determination, so that the person is aware of the maximum replacement housing payment for which he/she may qualify.
 - (c) Where feasible, housing will be inspected prior to being made available to assure that it meets applicable standards. (See Section 5.1g) If such an inspection is not made, Sound Transit will notify the person to be displaced that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary.
 - (d) Whenever possible, minority persons will be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of

minority concentration, that are within their financial means. This policy, however, does not require Sound Transit to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

- (e) Sound Transit will offer all persons transportation to inspect housing to which they are referred.
 - (f) Any displaced person that may be eligible for government housing assistance at the replacement dwelling will be advised of any requirements of such government housing assistance program that would limit the size of the replacement dwelling (see Section 5.1e(9)), as well as of the long term nature of such rent subsidy, and the limited (42 month) duration of the relocation rental assistance payment.
 - (3) Provide, for non-residential moves, current and continuing information on the availability, purchase prices, and rental costs of suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement location.
 - (4) Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.
 - (5) Supply persons to be displaced with appropriate information concerning federal and state housing programs, disaster loan and other programs administered by the Small Business Administration, and other federal and state programs offering assistance to displaced persons, and technical help to persons applying for such assistance.
- c. *Coordination of relocation activities.* Relocation activities will be coordinated with Project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized.
- d. Any person who occupies property acquired by Sound Transit, when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short term rental agreement or an agreement subject to termination when the property is needed for the Project, will be eligible for advisory services, as determined by Sound Transit.

8.4 Eviction for Cause

- a. Eviction for cause must conform to applicable state and local law. Any person who occupies the real property and is not in unlawful occupancy on the date of the initiation of negotiations, is presumed to be entitled to relocation payments and other assistance set forth in these Procedures unless Sound Transit determines that:
 - (1) The person received an eviction notice prior to the initiation of negotiations and, as a result of that notice is later evicted; or
 - (2) The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement; and
 - (3) In either case, the eviction was not undertaken for the purpose of evading the obligation to make available the payments and other assistance set forth in these Procedures.
- b. For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves, or if later, the date a comparable replacement dwelling is made available. This Section applies only to persons who would otherwise have been displaced by the Project.

8.5 General Requirements - Claims for Relocation Payments

- a. *Documentation.* Any claim for a relocation payment will be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. Sound Transit will provide reasonable assistance to a displaced person necessary to complete and file any required claim for payment.
- b. *Expeditious payments.* Sound Transit will review claims in an expeditious manner. The claimant will be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim will be made as soon as feasible following receipt of sufficient documentation to support the claim.
- c. *Advanced payments.* If a person demonstrates the need for an advanced relocation payment in order to avoid or reduce a hardship, Sound Transit will issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.
- d. *Time for filing*
 - (1) All claims for a relocation payment will be filed with Sound Transit no later than 18 months after:

- (a) For tenants, the date of displacement.
 - (b) For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.
- (2) Sound Transit will waive this time period for good cause.
- e. *Notice of denial of claim.* If Sound Transit disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it will promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.
- f. *No waiver of relocation assistance.* Sound Transit will not propose or request that a displaced person waive his/her rights or entitlements to relocation assistance and benefits provided by the Uniform Act and this regulation.
- g. *Expenditure of payments.* Payments provided pursuant to these Procedures will not be considered to constitute federal financial assistance. Accordingly, these Procedures do not apply to the expenditure of such payments by, or for, a displaced person.

8.6 Aliens Not Lawfully Present in the United States

- a. Each person seeking relocation payments or relocation advisory assistance will, as a condition of eligibility, certify:
 - (1) In the case of an individual, that he/she is either a citizen or national of the United States, or an alien who is lawfully present in the United States.
 - (2) In the case of a family, that each family member is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the head of the household on behalf of other family members.
 - (3) In the case of an unincorporated business, farm, or nonprofit organization, that each owner is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the principal owner, manager, or operating officer on behalf of other persons with an ownership interest.
 - (4) In the case of an incorporated business, farm, or nonprofit organization, that the corporation is authorized to conduct business within the United States.

- b. The certification provided pursuant to Paragraphs a(1), a(2), and a(3) of this Section will indicate whether such person is either a citizen or national of the United States, or an alien who is lawfully present in the United States. Requirements concerning the certification, in addition to those contained in this rule, will be within the discretion of any federal funding agency and, within those parameters, that of Sound Transit.
- c. In computing relocation payments under the Uniform Act, if any member(s) of a household or owner(s) of an unincorporated business, farm, or nonprofit organization is (are) determined to be ineligible because of a failure to be legally present in the United States, no relocation payments may be made to him/her. Any payment(s) for which such household, unincorporated business, farm, or nonprofit organization would otherwise be eligible will be computed for the household, based on the number of eligible household members and for the unincorporated business, farm, or nonprofit organization, based on the ratio of ownership between eligible and ineligible owners.
- d. Sound Transit will consider the certification provided pursuant to Paragraph a of this Section to be valid, unless Sound Transit determines in accordance with Paragraph f of this Section that it is invalid based on a review of an alien's documentation or other information that Sound Transit considers reliable and appropriate.
- e. Any review by Sound Transit of the certifications provided pursuant to Paragraph a of this Section will be conducted in a nondiscriminatory fashion. Sound Transit will apply the same standard of review to all such certifications it receives, except that such standard may be revised periodically.
- f. If, based on a review of an alien's documentation or other credible evidence, Sound Transit has reason to believe that a person's certification is invalid (for example, a document reviewed does not on its face reasonably appear to be genuine), and that, as a result, such person may be an alien not lawfully present in the United States, it will obtain the following information before making a final determination:
 - (1) If Sound Transit has reason to believe that the certification of a person who has certified that he/she is an alien lawfully present in the United States is invalid, Sound Transit will obtain verification of the alien's status from the local Bureau of Citizenship and Immigration Service (BCIS) Office. Any request for BCIS verification will include the alien's full name, date of birth and alien number, and a copy of the alien's documentation.
 - (2) If Sound Transit has reason to believe that the certification of a person who has certified that he/she is a citizen or national is

invalid, Sound Transit will request evidence of United States citizenship or nationality from such person and, if considered necessary, verify the accuracy of such evidence with the issuer.

- g. No relocation payments or relocation advisory assistance will be provided to a person who has not provided the certification described in this Section or who has been determined to be not lawfully present in the United States, unless such person can demonstrate to Sound Transit's satisfaction that the denial of relocation assistance will result in an exceptional and extremely unusual hardship to such person's spouse, parent, or child who is a citizen of the United States, or is an alien lawfully admitted for permanent residence in the United States.
- h. For purposes of Paragraph g of this Section, “exceptional and extremely unusual hardship” to such spouse, parent, or child of the person not lawfully present in the United States means that the denial of relocation payments and advisory assistance to such person will directly result in:
 - (1) A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child;
 - (2) A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or
 - (3) Any other impact that Sound Transit determines will have a significant and demonstrable adverse impact on such spouse, parent, or child.
- i. The certification referred to in Paragraph a of this Section may be included as part of the claim for relocation payments described in Section 8.5 of these Procedures.

8.7 Relocation Payments Not Considered as Income

No relocation payment received by a displaced person under these Procedures will be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986 (Title 26, U.S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U.S. Code 301 *et seq.*) or any other federal law, except for any federal law providing low-income housing assistance.

9. Payment for Moving and Related Expenses

If Sound Transit determines that the implementation of the Project will result in the displacement of a person who is dwelling on or conducting business on the real property being acquired, Sound Transit will reimburse or make a fixed payment in lieu of

reimbursement to the displaced person for certain costs and expenses required to move the individual, business, farm operation, or other personal property.

9.1 Payment for Actual Reasonable Moving and Related Expenses

a. *General*

- (1) Any owner-occupant or tenant who qualifies as a displaced person (defined at Section 5.1i) and who moves from a dwelling (including a mobile home) or who moves from a business, farm or nonprofit organization is entitled to payment of his/her actual moving and related expenses, as Sound Transit determines to be reasonable and necessary.
- (2) A non-occupant owner of a rented mobile home is eligible for actual cost reimbursement under this Section 9.1 to relocate the mobile home. If the mobile home is not acquired as real estate, but the homeowner-occupant obtains a replacement housing payment under one of the circumstances (described at Section 11.2a(3)), the home-owner occupant is not eligible for payment for moving the mobile home, but may be eligible for a payment for moving personal property from the mobile home.

b. *Moves from a dwelling.* Eligible expenses for moves from a dwelling include the expenses described in Paragraphs g(1) through g(7) of this Section. Self-moves based on the lower of two bids or estimates are not eligible for reimbursement under this Section. A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a dwelling may be determined based on the cost of one, or a combination of the following methods:

- (1) Commercial move. Moves performed by a professional mover.
- (2) Self-moves. Moves that may be performed by the displaced person in one or a combination of the following methods:
 - (a) Fixed Residential Moving Cost Schedule (described in Section 9.2).
 - (b) Actual cost moves. Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.

c. *Moves from a mobile home.* A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a mobile home may be determined based on the cost of one, or a combination of the

following methods: (self-moves based on the lower of two bids or estimates are not eligible for reimbursement under this Section. Eligible expenses for moves from a mobile home include those expenses described in Paragraphs g(1) through g(7) of this Section. In addition to the items in Paragraph a of this Section, the owner-occupant of a mobile home that is moved as personal property and used as the person's replacement dwelling, is also eligible for the moving expenses described in Paragraphs g(8) through g(10) of this Section.).

- (1) Commercial moves. Moves performed by a professional mover.
- (2) Self-moves. Moves that may be performed by the displaced person in one or a combination of the following methods:
 - (a) Fixed Residential Moving Cost Schedule (described in Section 9.2).
 - (b) Actual cost move. Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.

d. *Moves from a business, farm or nonprofit organization.* Eligible expenses for moves from a business, farm or nonprofit organization include those expenses described in Paragraphs g(1) through g(7) of this Section and Paragraphs g(11) through g(18) of this Section and Section 9.3. Personal property as determined by an inventory from a business, farm or nonprofit organization may be moved by one or a combination of the following methods:

- (1) Commercial moves. Based on the lower of two bids or estimates prepared by a commercial mover. At Sound Transit's discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate.
- (2) Self-moves. A self-move payment may be based on one or a combination of the following:
 - (a) The lower of two bids or estimates prepared by a commercial mover or qualified Sound Transit staff person. At Sound Transit's discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate; or
 - (b) Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same

activity and, equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover.

- e. *Personal property only.* Eligible expenses for a person who is required to move personal property from real property but is not required to move from a dwelling (including a mobile home), business, farm or nonprofit organization include those expenses described in Paragraphs g(1) through g(7) and g(18) of this Section.
- f. *Advertising signs.* The amount of a payment for direct loss of an advertising sign, which is personal property will be the lesser of:
 - (1) The depreciated reproduction cost of the sign, as determined by Sound Transit, less the proceeds from its sale; or
 - (2) The estimated cost of moving the sign, but with no allowance for storage.
- g. *Eligible actual moving expenses*
 - (1) Transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless Sound Transit determines that relocation beyond 50 miles is justified.
 - (2) Packing, crating, unpacking, and uncrating of the personal property.
 - (3) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property. For businesses, farms or nonprofit organizations this includes machinery, equipment, substitute personal property, and connections to utilities available within the building; it also includes modifications to the personal property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.
 - (4) Storage of the personal property for a period not to exceed 12 months, unless Sound Transit determines that a longer period is necessary.
 - (5) Insurance for the replacement value of the property in connection with the move and necessary storage.

- (6) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his/her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
- (7) Other moving-related expenses that are not listed as ineligible under Section 9.1h, as Sound Transit determines to be reasonable and necessary.
- (8) The reasonable cost of disassembling, moving, and reassembling any appurtenances attached to a mobile home, such as porches, decks, skirting, and awnings, which were not acquired, anchoring of the unit, and utility “hookup” charges.
- (9) The reasonable cost of repairs and/or modifications so that a mobile home can be moved and/or made decent, safe, and sanitary.
- (10) The cost of a nonrefundable mobile home park entrance fee, to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or Sound Transit determines that payment of the fee is necessary to effect relocation.
- (11) Any license, permit, fees or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.
- (12) Professional services as Sound Transit determines to be actual, reasonable and necessary for:
 - (a) Planning the move of the personal property;
 - (b) Moving the personal property; and
 - (c) Installing the relocated personal property at the replacement location.
- (13) Re-lettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.
- (14) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment will consist of the lesser of:
 - (a) The fair market value in place of the item, as is for continued use, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith

effort to sell the personal property, unless Sound Transit determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value will be based on the cost of the goods to the business, not the potential selling prices); or

- (b) The estimated cost of moving the item as is, but not including any allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. If the business or farm operation is discontinued, the estimated cost of moving the item will be based on a moving distance of 50 miles.
- (15) The reasonable cost incurred in attempting to sell an item that is not to be relocated.
- (16) Purchase of substitute personal property. If an item of personal property, which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:
 - (a) The cost of the substitute item, including installation costs of the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
 - (b) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At Sound Transit's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.
- (17) Searching for a replacement location. A business or farm operation is entitled to reimbursement for actual expenses, not to exceed \$2,500, as Sound Transit determines to be reasonable, which are incurred in searching for a replacement location, including:
 - (a) Transportation;
 - (b) Meals and lodging away from home;
 - (c) Time spent searching, based on reasonable salary or earnings;
 - (d) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites;

- (e) Time spent in obtaining permits and attending zoning hearings; and
 - (f) Time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings.
 - (18) Low value/high bulk. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of Sound Transit, the allowable moving cost payment will not exceed the lesser of: (a) the amount that would be received if the property were sold at the site, or (b) the replacement cost of a comparable quantity delivered to the new business location. Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by Sound Transit.
- h. *Ineligible moving and related expenses.* A displaced person is not entitled to payment for:
- (1) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. (However, these Procedures do not preclude the computation in Section 10.2c(2)(c));
 - (2) Interest on a loan to cover moving expenses;
 - (3) Loss of goodwill;
 - (4) Loss of profits;
 - (5) Loss of trained employees;
 - (6) Any additional operating expenses of a business or farm operation incurred because of operating in a new location except as provided in Section 9.4a(6);
 - (7) Personal injury;
 - (8) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before Sound Transit;
 - (9) Expenses for searching for a replacement dwelling;
 - (10) Physical changes to the real property at the replacement location of a business or farm operation except as provided in Sections 9.1g(3), 9.4a and 9.4a;

- (11) Costs for storage of personal property on real property already owned or leased by the displaced person; and
- (12) Refundable security and utility deposits
 - (a) Notification and inspection (non-residential). Sound Transit will inform the displaced person, in writing, of the requirements of this Section as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided the displaced person as set forth in Section 8.1. To be eligible for payments under this Section the displaced person must:
 - (i) Provide Sound Transit reasonable advance notice of the approximate date of the start of the move or disposition of the personal property and an inventory of the items to be moved. However, Sound Transit may waive this notice requirement after documenting its file accordingly.
 - (ii) Permit Sound Transit to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.
 - (b) Transfer of ownership (non-residential). Upon request and in accordance with applicable law, the claimant will transfer to Sound Transit ownership of any personal property that has not been moved, sold, or traded in.

9.2 Fixed Payment for Moving Expenses - Residential Moves

Any person displaced from a dwelling or a seasonal residence or a dormitory style room is entitled to receive a fixed moving cost payment as an alternative to a payment for actual moving and related expenses under Section 9.1. This payment will be determined according to the Fixed Residential Moving Cost Schedule approved by the Federal Highway Administration and published in the Federal Register on a periodic basis. The payment to a person with minimal personal possessions who is in occupancy of a dormitory style room or a person whose residential move is performed by Sound Transit, at no cost to the person, will be limited to the amount stated in the most recent edition of the Fixed Residential Moving Cost Schedule.

9.3 Related Non-Residential Eligible Expenses

Sound Transit may reimburse the following expenses, in addition to those provided by Section 9.1 for moving personal property, if Sound Transit determines that they are actual, reasonable, and necessary:

- a. Connection to available nearby utilities from the right-of-way to improvements at the replacement site.
- b. Professional services performed before the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of Sound Transit a reasonable pre-approved hourly rate may be established.
- c. Impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by Sound Transit.

9.4 Reestablishment Expenses – Non-Residential Moves

Sound Transit may reimburse a displaced business, farm, or nonprofit organization for reestablishment expenses up to a maximum of \$50,000. Such reimbursement would be for expenses actually incurred in relocating and reestablishing the small business, farm, or nonprofit organization at a replacement site. This reimbursement would be in addition to the reimbursement for moving and related expenses provided for in Section 9.1d above.

- a. *Eligible expenses.* Reestablishment expenses must be reasonable and necessary, as determined by Sound Transit. They include, but are not limited to, the following:
 - (1) Repairs or improvements to the replacement real property as required by federal, state or local law, code or ordinance.
 - (2) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
 - (3) Construction and installation costs for exterior signing to advertise the business.
 - (4) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
 - (5) Advertisement of replacement location.
 - (6) Estimated increased costs of operation during the first two years at the replacement site for such items as:
 - (a) Lease or rental charges;
 - (b) Personal or real property taxes;

- (c) Insurance premiums; and
 - (d) Utility charges, excluding impact fees.
- (7) Other items that Sound Transit considers essential to the reestablishment of the business.
- b. *Ineligible expenses.* The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:
 - (1) Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.
 - (2) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
 - (3) Interest on money borrowed to make the move or purchase the replacement property.
 - (4) Payment to a part-time business in the home which does not contribute materially (defined at Section 5.1f) to the household income.

9.5 Fixed Payment for Moving Expenses – Non-Residential Moves

- a. *Business.* A displaced business may be eligible to choose a fixed payment in lieu of the payments for actual moving and related expenses, and actual reasonable reestablishment expenses provided by Sections 9.1, 9.3, and 9.4. Such fixed payment, except for payment to a nonprofit organization, will equal the average annual net earnings of the business, as computed in accordance with Paragraph e of this Section, but not less than \$1,000 nor more than \$ \$40,000.00. The displaced business is eligible for the payment if Sound Transit determines that:
 - (1) The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move and, the business vacates or relocates from its displacement site;
 - (2) The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless Sound Transit determines that it will not suffer a substantial loss of its existing patronage;
 - (3) The business is not part of a commercial enterprise having more than three other entities which are not being acquired by Sound

Transit, and which are under the same ownership and engaged in the same or similar business activities.

- (4) The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others;
 - (5) The business is not operated at the displacement site solely for the purpose of renting the site to others; and
 - (6) The business contributed materially to the income of the displaced person during the two taxable years prior to displacement. (See Section 5.1f)
- b. *Determining the number of businesses.* In determining whether two or more displaced legal entities constitute a single business, which is entitled to only one fixed payment, Sound Transit will consider all pertinent factors, including the extent to which:
 - (1) The same premises and equipment are shared;
 - (2) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;
 - (3) The entities are held out to the public, and to those customarily dealing with them, as one business; and
 - (4) The same person or closely related persons own, control, or manage the affairs of the entities.
- c. *Farm operation.* A displaced farm operation (defined at Section 5.1m) may choose a fixed payment, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, in an amount equal to its average annual net earnings as computed in accordance with Paragraph e of this Section, but not less than \$1,000 nor more than \$40,000.00. In the case of a partial acquisition of land, which was a farm operation before the acquisition, the fixed payment will be made only if Sound Transit determines that:
 - (1) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or
 - (2) The partial acquisition caused a substantial change in the nature of the farm operation.
- d. *Nonprofit organization.* A displaced nonprofit organization may choose a fixed payment of \$1,000 to \$40,000.00 in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, if Sound Transit determines that it cannot be relocated without a

substantial loss of existing patronage (membership or clientele). A nonprofit organization is assumed to meet this test, unless Sound Transit demonstrates otherwise. Any payment in excess of \$1,000 must be supported with financial statements for the two 12-month periods prior to the acquisition. The amount to be used for the payment is the average of two years annual gross revenues less administrative expenses.

- e. *Average annual net earnings of a business or farm operation.* The average annual net earnings of a business or farm operation are one-half of its net earnings before federal, state, and local income taxes during the two taxable years immediately prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full two taxable years prior to displacement, net earnings will be based on the actual period of operation at the displacement site during the two taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when Sound Transit determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person will furnish Sound Transit proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence that Sound Transit determines is satisfactory.

9.6 Discretionary Utility Relocation Payments

- a. Whenever a Program or Project undertaken by Sound Transit causes the relocation of a utility facility (see Section 5.1gg) and the relocation of the facility creates extraordinary expenses for its owner, Sound Transit may, at its option, make a relocation payment to the owner for all or part of such expenses, if the following criteria are met:
 - (1) The utility facility legally occupies state or local government property, or property over which the state or local government has an easement or right-of-way;
 - (2) The utility facility's right of occupancy thereon is pursuant to state law or local ordinance specifically authorizing such use, or where such use and occupancy has been granted through a franchise, use and occupancy permit, or other similar agreement;
 - (3) Relocation of the utility facility is required by and is incidental to the primary purpose of the Project undertaken by Sound Transit;
 - (4) There is no federal law, other than the Uniform Act, that clearly establishes a policy for the payment of utility moving costs that is applicable to the Project; and

- (5) State or local government reimbursement for utility moving costs or payment of such costs by Sound Transit is in accordance with state law.
- b. For the purposes of this Section, the term extraordinary expenses means those expenses which, in the opinion of Sound Transit, are not routine or predictable expenses relating to the utility's occupancy of rights-of-way, and are not ordinarily budgeted as operating expenses, unless the owner of the utility facility has explicitly and knowingly agreed to bear such expenses as a condition for use of the property, or has voluntarily agreed to be responsible for such expenses.
- c. A relocation payment to a utility facility owner for moving costs under this Section may not exceed the cost to functionally restore the service disrupted by the federally-assisted program or project, less any increase in value of the new facility and salvage value of the old facility. Sound Transit and the utility facility owner will reach prior agreement on the nature of the utility relocation work to be accomplished, the eligibility of the work for reimbursement, the responsibilities for financing and accomplishing the work, and the method of accumulating costs and making payment.

10. Replacement Housing Payments

10.1 Additional Payments

For certain homeowners, in addition to payments otherwise authorized by these Procedures, Sound Transit will make an additional payment to persons displaced from a dwelling actually owned and occupied by the displaced person for not less than 90 days immediately before the initiation of negotiations for the acquisition of the property. The additional payment will be made only to persons who purchase and occupy a decent, safe, and sanitary replacement dwelling within one year after the date when the person receives final payment from Sound Transit for the acquired dwelling or the date when Sound Transit's obligations under RCW 8.26.075 are met, whichever date is later, unless Sound Transit extends this period for good cause. If the period is extended, the payments will be based on the costs of relocating the person to comparable replacement dwelling within one year of the extension date. Such payment will not exceed \$31,000 and will be established as set forth in Section 10.2b below, and in the case of mobile home owner-occupants, as supplemented by Sections 11.2 and 11.3 below.

10.2 Replacement Housing Payment for 90-Day Homeowner-Occupants

- a. *Eligibility.* A displaced person is eligible for the replacement housing payment for a 90-day homeowner-occupant if the person:

- (1) Has actually owned and occupied the displacement dwelling for not less than 90- days immediately prior to the initiation of negotiations; and
 - (2) Purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the later of the following dates (except that Sound Transit may extend such one year period for good cause):
 - (a) The date the displaced person receives final payment for the displacement dwelling or, in the case of condemnation, the date the full amount of the estimate of just compensation is deposited in the court; or
 - (b) The date Sound Transit's obligation under Section 8.2 is met.
- b. *Amount of payment.* The replacement housing payment for an eligible 90-day homeowner-occupant may not exceed \$31,000. (See also Section 10.5) The payment under this subpart is limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling, or the date a comparable replacement dwelling is made available to such person, whichever is later. The payment will be the sum of:
- (1) The amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling, as determined in accordance with Paragraph c of this Section;
 - (2) The increased interest costs and other debt service costs which are incurred in connection with the mortgage(s) on the replacement dwelling, as determined in accordance with Paragraph d of this Section; and
 - (3) The reasonable expenses incidental to the purchase of the replacement dwelling, as determined in accordance with Paragraph e of this Section.
- c. *Price differential*
- (1) Basic computation. The price differential to be paid under Paragraph b(1) of this Section is the amount which must be added to the acquisition cost of the displacement dwelling and site (see Section 5.11) to provide a total amount equal to the lesser of:
 - (a) The reasonable cost of a comparable replacement dwelling as determined in accordance with Section 10.4a; or

- (b) The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person.
- (2) Owner retention of displacement dwelling. If the owner retains ownership of his/her dwelling, moves it from the displacement site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling will be the sum of:
 - (a) The cost of moving and restoring the dwelling to a condition comparable to that prior to the move;
 - (b) The cost of making the unit a decent, safe, and sanitary replacement dwelling (defined at Section 5.1g); and
 - (c) The current fair market value for residential use of the replacement dwelling site, unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and
 - (d) The retention value of the dwelling, if such retention value is reflected in the “acquisition cost” used when computing the replacement housing payment.
- d. *Increased mortgage interest costs.* Sound Transit will determine the factors to be used in computing the amount to be paid to a displaced person under Paragraph b(2) of this Section. The payment for increased mortgage interest cost will be the amount which will reduce the mortgage balance on a new mortgage to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage(s) on the displacement dwelling. In addition, payments will include other debt service costs, if not paid as incidental costs, and will be based only on bona fide mortgages that were valid liens on the displacement dwelling for at least 90 days prior to the initiation of negotiations. Paragraphs (1) through (5) of this Section will apply to the computation of the increased mortgage interest costs payment, which payment will be contingent upon a mortgage being placed on the replacement dwelling.
 - (1) The payment will be based on the unpaid mortgage balance(s) on the displacement dwelling; however, in the event the displaced person obtains a smaller mortgage than the mortgage balance(s) computed in the buy down determination, the payment will be prorated and reduced accordingly. In the case of a home equity loan, the unpaid balance will be that balance which existed 90 days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less.

- (2) The payment will be based on the remaining term of the mortgage(s) on the displacement dwelling or the term of the new mortgage, whichever is shorter.
 - (3) The interest rate on the new mortgage used in determining the amount of the payment will not exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.
 - (4) Purchaser's points and loan origination or assumption fees, but not seller's points, will be paid to the extent:
 - (a) They are not paid as incidental expenses;
 - (b) They do not exceed rates normal to similar real estate transactions in the area;
 - (c) Sound Transit determines them to be necessary; and
 - (d) The computation of such points and fees will be based on the unpaid mortgage balance on the displacement dwelling, less the amount determined for the reduction of the mortgage balance under this Section.
 - (5) The displaced person will be advised of the approximate amount of this payment and the conditions that must be met to receive the payment as soon as the facts relative to the person's current mortgage(s) are known and the payment will be made available at or near the time of closing on the replacement dwelling in order to reduce the new mortgage as intended.
- e. *Incidental expenses.* The incidental expenses to be paid under Paragraph b(3) of this Section or Section 10.3c(1) are those necessary and reasonable costs actually incurred by the displaced person incidental to the purchase of a replacement dwelling, and customarily paid by the buyer, including:
- (1) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.
 - (2) Lender, FHA, or VA application and appraisal fees.
 - (3) Loan origination or assumption fees that do not represent prepaid interest.
 - (4) Professional home inspection, certification of structural soundness, and termite inspection.

- (5) Credit report.
 - (6) Owner's and mortgagee's evidence of title, e.g., title insurance, not to exceed the costs for a comparable replacement dwelling.
 - (7) Escrow agent's fee.
 - (8) State revenue or documentary stamps, sales or transfer taxes (not to exceed the costs for a comparable replacement dwelling).
 - (9) Such other costs as Sound Transit determine to be incidental to the purchase.
- f. *Rental assistance payment for 90-day homeowner.* A 90-day homeowner-occupant, who could be eligible for a replacement housing payment under Paragraph a of this Section but elects to rent a replacement dwelling, is eligible for a rental assistance payment. The amount of the rental assistance payment is based on a determination of market rent for the acquired dwelling compared to a comparable rental dwelling available on the market. The difference, if any, is computed in accordance with Section 10.3b, except that the limit of \$7,200 does not apply, and disbursed in accordance with Section 10.3b(3). Under no circumstances would the rental assistance payment exceed the amount that could have been received under Paragraph b of this Section had the 90-day homeowner elected to purchase and occupy a comparable replacement dwelling.

10.3 For Tenants and Others: Replacement Housing Payment for 90-Day Occupants

In addition to payments otherwise authorized by these Procedures, Sound Transit will make an additional payment to persons displaced from a dwelling who are not eligible to receive a payment under Section 10.1 if the dwelling was actually and lawfully occupied by the displaced person for not less than 90 days immediately before (a) the initiation of negotiations for acquisition of the dwelling, or (b) in any case in which displacement is not a direct result of acquisition, such other event as is prescribed by Paragraph a of this Section. The payment will consist of the amount necessary to enable the person to lease or rent for a period not to exceed 42 months, a comparable replacement dwelling, but not to exceed \$7,200. The amount of the payment will be established as provided in Paragraph b below and in the case of 90-day mobile home occupants, as supplemented by Sections 11.2 and 11.3.

- a. *Eligibility.* A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed \$7,200 for rental assistance, as computed in accordance with Paragraph b of this Section, or down payment assistance, as computed in accordance with Paragraph c of this Section, if such displaced person:

- (1) Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and
- (2) Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling within one year (unless Sound Transit extends this period for good cause) after:
 - (a) For a tenant, the date he/she moves from the displacement dwelling; or
 - (b) For an owner-occupant, the later of:
 - (i) The date he/she receives final payment for the displacement dwelling, or in the case of condemnation, the date the full amount of the estimate of just compensation is deposited with the court; or
 - (ii) The date he/she moves from the displacement dwelling.

b. *Rental assistance payment*

- (1) Amount of payment. An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed \$ \$7,200 for rental assistance. (See Section 10.5) Such payment will be 42 times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the lesser of:
 - (a) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or
 - (b) The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.
- (2) Base monthly rental for displacement dwelling. The base monthly rental for the displacement dwelling is the lesser of:
 - (a) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by Sound Transit (for an owner-occupant, use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, use the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances);

- (b) Thirty percent of the displaced person's average monthly gross household income if the amount is classified as “low income” by the U.S. Department of Housing and Urban Development's Annual Survey of Income Limits for the Public Housing and Section 8 Programs. The base monthly rental will be established solely on the criteria in Paragraph (1)(b) of this Section for persons with income exceeding the survey's “low income” limits, for persons refusing to provide appropriate evidence of income, and for persons who are dependents. A full-time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise; or,
 - (c) The total of the amounts designated for shelter and utilities if the displaced person is receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.
- (3) Manner of disbursement. A rental assistance payment may, at Sound Transit's discretion, be disbursed in either a lump sum or in installments. However, except as limited by Section 10.4f, the full amount vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.

c. *Down payment assistance payment*

- (1) Amount of payment. An eligible displaced person who purchases a replacement dwelling is entitled to a down payment assistance payment in the amount the person would receive under Paragraph b of this Section if the person rented a comparable replacement dwelling. At Sound Transit's discretion, a down payment assistance payment that is less than \$7,200 may be increased to any amount not to exceed \$7,200. If Sound Transit elects to provide the maximum payment of \$7,200 as a down payment, Sound Transit will apply this discretion in a uniform and consistent manner, so that eligible displaced persons in like circumstances are treated equally. A displaced person eligible to receive a payment as a 90-day owner-occupant under Section 10.2a is not eligible for this payment.
- (2) Application of payment. The full amount of the replacement housing payment for down payment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

10.4 Additional Rules Governing Replacement Housing Payments

- a. *Determining cost of comparable replacement dwelling.* The upper limit of a replacement housing payment will be based on the cost of a comparable replacement dwelling. (Defined at Section 5.1e)
- (1) If available, at least three comparable replacement dwellings will be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling.
 - (2) If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the value of such attribute will be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.
 - (3) If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder is a buildable residential lot, Sound Transit may offer to purchase the entire property. If the owner refuses to sell the remainder to Sound Transit, the fair market value of the remainder may be added to the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.
 - (4) To the extent feasible, comparable replacement dwellings will be selected from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.
 - (5) Multiple occupants of one displacement dwelling. If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by Sound Transit, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if Sound Transit determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.
 - (6) Deductions from relocation payments. Sound Transit will deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. Sound Transit will not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.

- (7) Mixed-use and multifamily properties. If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for non-residential purposes, and/or is located on a lot larger than typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling will be considered the acquisition cost when computing the replacement housing payment.
- b. *Inspection of replacement dwelling.* Before making a replacement housing payment or releasing the initial payment from escrow, Sound Transit or its designated representative will inspect the replacement dwelling and determine whether it is a decent, safe, and sanitary dwelling as defined at Section 5.1g.
- c. *Purchase of replacement dwelling.* A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:
 - (1) Purchases a dwelling;
 - (2) Purchases and rehabilitates a substandard dwelling;
 - (3) Relocates a dwelling which he/she owns or purchases;
 - (4) Constructs a dwelling on a site he/she owns or purchases;
 - (5) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or
 - (6) Currently owns a previously purchased dwelling and site, valuation of which will be on the basis of current fair market value.
- d. *Occupancy requirements for displacement or replacement dwelling.* No person will be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in these regulations for a reason beyond his or her control, including:
 - (1) A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the federal agency funding the Project, or Sound Transit; or
 - (2) Another reason, such as a delay in the construction of the replacement dwelling, military duty, or hospital stay as determined by Sound Transit.
- e. *Conversion of payment.* A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under

Section 10.3b is eligible to receive a payment under Section 10.2 or 10.3c if he/she meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed 1-year period. Any portion of the rental assistance payment that has been disbursed will be deducted from the payment computed under Section 10.2 or Section 10.3c.

- f. *Payment after death.* A replacement housing payment is personal to the displaced person and upon his/her death the undisbursed portion of any such payment will not be paid to the heirs or assigns, except that:
 - (1) The amount attributable to the displaced person's period of actual occupancy of the replacement housing will be paid.
 - (2) Any remaining payment will be disbursed to the remaining family members of the displaced household in any case in which a member of a displaced family dies.
 - (3) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person will be disbursed to the estate.
- g. *Insurance proceeds.* To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due to a catastrophic occurrence (fire, flood, etc.) will be included in the acquisition cost of the displacement dwelling when computing the price differential. (See Section 6.3)

10.5 Replacement Housing of Last Resort

- a. *Determination to provide replacement housing of last resort.* Whenever a Sound Transit Project cannot proceed on a timely basis because comparable replacement dwellings are not available within the monetary limits for owners or tenants, as specified in Section 10.2 or Section 10.3, as appropriate, Sound Transit will provide additional or alternative assistance under the provisions of this Section 10.5. Any decision to provide last resort housing assistance must be adequately justified either:
 - (1) On a case-by-case basis, for good cause which means that appropriate consideration has been given to:
 - (a) The availability of comparable replacement housing in the Project area;
 - (b) The resources available to provide comparable replacement housing; and

- (c) The individual circumstances of the displaced person, or
- (2) By a determination that:
 - (a) There is little, if any, comparable replacement housing available to displaced persons within the entire Project area; and, therefore, last resort housing assistance is necessary for the area as a whole;
 - (b) The Project cannot be advanced to completion in a timely manner without last resort housing assistance; and
 - (c) The method selected for providing last resort housing assistance is cost effective, considering all elements, which contribute to total Project costs.
- b. *Basic rights of persons to be displaced.* Notwithstanding any provision of this Section 10.5, no person will be required to move from a displacement dwelling unless comparable replacement housing is available to such person. No person may be deprived of any rights the person may have under the Uniform Act or these Procedures. Sound Transit will not require any displaced person to accept a dwelling provided by Sound Transit under these Procedures (unless Sound Transit and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible.
- c. *Methods of providing comparable replacement housing.* Sound Transit will implement this Section 10.5 on a case-by-case basis and for a reasonable cost.
 - (1) The methods of providing replacement housing of last resort include, but are not limited to:
 - (a) A replacement housing payment in excess of the limits set forth in Section 10.2 or Section 10.3. A replacement housing payment under this Section may be provided in installments or in a lump sum at Sound Transit's discretion.
 - (b) Rehabilitation of and/or additions to an existing replacement dwelling.
 - (c) The construction of a new replacement dwelling.
 - (d) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.

- (e) The relocation and, if necessary, rehabilitation of a dwelling.
 - (f) The purchase of land and/or a replacement dwelling by Sound Transit and subsequent sale or lease to, or exchange with a displaced person.
 - (g) The removal of barriers for persons with disabilities.
- (2) Under special circumstances, consistent with the definition of a comparable replacement dwelling, modified methods of providing replacement housing of last resort permit consideration of replacement housing based on space and physical characteristics different from those in the displacement dwelling, including upgraded, but smaller replacement housing that is decent, safe, and sanitary and adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence. In no event, however, will a displaced person be required to move into a dwelling that is not functionally equivalent in accordance with Section 5.1e(2) of these Procedures.
- (3) Sound Transit will provide assistance under this Section 10.5 to a displaced person who is not eligible to receive a replacement housing payment under Sections 10.2 and 10.3 because of failure to meet the length of occupancy requirement when comparable replacement rental housing is not available at rental rates within the displaced person's financial means. (See Section 5.1e(8)(c)) Such assistance will cover a period of 42 months.

11. Mobile Homes

11.1 Applicability

- a. *General.* This Section describes the requirements governing the provision of replacement housing payments to a person displaced from a mobile home and/or mobile home site who meets the basic eligibility requirements of these Procedures. Except as modified by this Section 11, such a displaced person is entitled to a moving expense payment in accordance with Section 9 of these Procedures and a replacement housing payment in accordance with Section 10 of these Procedures to the same extent and subject to the same requirements as persons displaced from conventional dwellings. Moving cost payments to persons occupying mobile homes are covered in Sections 9.1g(1)-9.1g(10).
- b. *Partial acquisition of mobile home park.* The acquisition of a portion of a mobile home park property may leave a remaining part of the property that is not adequate to continue the operation of the park. If Sound Transit determines that a mobile home located in the remaining part of the

property must be moved as a direct result of the project, the occupant of the mobile home will be considered to be a displaced person who is entitled to relocation payments and other assistance under these Procedures.

11.2 Replacement Housing Payment for 90-Day Mobile Homeowner Displaced from a Mobile Home, and/or from the Acquired Mobile Home Site

a. *Eligibility.* An owner-occupant displaced from a mobile home or site is entitled to a replacement housing payment, not to exceed \$ \$31,000, under Section 10.2 if:

- (1) The person occupied the mobile home on the displacement site for at least 90 days immediately before:
 - (a) The initiation of negotiations to acquire the mobile home, if the person owned the mobile home and the mobile home is real property;
 - (b) The initiation of negotiations to acquire the mobile home site if the mobile home is personal property, but the person owns the mobile home site; or
 - (c) The date of Sound Transit's written notification to the owner-occupant that the owner is determined to be displaced from the mobile home as described in Paragraphs a(3)(a) through a(3)(d) of this Section.
- (2) The person meets the other basic eligibility requirements at Section 10.2a; and
- (3) Sound Transit acquires the mobile home as real estate, or acquires the mobile home site from the displaced owner, or the mobile home is personal property but the owner is displaced from the mobile home because Sound Transit determines that the mobile home:
 - (a) Is not, and cannot economically be made decent, safe, and sanitary;
 - (b) Cannot be relocated without substantial damage or unreasonable cost;
 - (c) Cannot be relocated because there is no available comparable replacement site; or
 - (d) Cannot be relocated because it does not meet mobile home park entrance requirements.

- b. *Replacement housing payment computation for a 90-day owner that is displaced from a mobile home.* The replacement housing payment for an eligible displaced 90-day owner is computed as described at Section 10.2b incorporating the following, as applicable:
- (1) If Sound Transit acquires the mobile home as real estate and/or acquires the owned site, the acquisition cost used to compute the price differential payment is the actual amount paid to the owner as just compensation for the acquisition of the mobile home, and/or site, if owned by the displaced mobile homeowner.
 - (2) If Sound Transit does not purchase the mobile home as real estate but the owner is determined to be displaced from the mobile home and eligible for a replacement housing payment based on Paragraph a(1)(c) of this Section, the eligible price differential payment for the purchase of a comparable replacement mobile home, is the lesser of the displaced mobile homeowner's net cost to purchase a replacement mobile home (i.e., purchase price of the replacement mobile home less trade-in or sale proceeds of the displacement mobile home); or, the cost of Sound Transit's selected comparable mobile home less Sound Transit's estimate of the salvage or trade-in value for the mobile home from which the person is displaced.
 - (3) If a comparable replacement mobile home site is not available, the price differential payment will be computed on the basis of the reasonable cost of a conventional comparable replacement dwelling.
- c. *Rental assistance payment for a 90-day owner-occupant that is displaced from a leased or rented mobile home site.* If the displacement mobile home site is leased or rented, a displaced 90-day owner-occupant is entitled to a rental assistance payment computed as described in Section 10.3b. This rental assistance payment may be used to lease a replacement site; may be applied to the purchase price of a replacement site; or may be applied, with any replacement housing payment attributable to the mobile home, to the purchase of a replacement mobile home or conventional decent, safe and sanitary dwelling.
- d. *Owner-occupant not displaced from the mobile home.* If Sound Transit determines that a mobile home is personal property and may be relocated to a comparable replacement site, but the owner-occupant elects not to do so, the owner is not entitled to a replacement housing payment for the purchase of a replacement mobile home. However, the owner is eligible for moving costs described at Section 9 and any replacement housing payment for the purchase or rental of a comparable site as described in this Section or Section 11.3 as applicable.

11.3 Replacement Housing Payment for 90-Day Mobile Home Occupants

A displaced tenant or owner-occupant of a mobile home and/or site is eligible for a replacement housing payment, not to exceed \$ \$7,200, under Section 10.3 if:

- a. The person actually occupied the displacement mobile home on the displacement site for at least 90 days immediately prior to the initiation of negotiations;
- b. The person meets the other basic eligibility requirements at Section 10.3a; and
- c. Sound Transit acquires the mobile home and/or mobile home site, or the mobile home is not acquired by Sound Transit but Sound Transit determines that the occupant is displaced from the mobile home because of one of the circumstances described at Section 11.2a(3).

12. **Notices**

Notices will be written and will be in plain understandable language. Persons unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice will indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help. Notices will be personally served or sent by registered or certified first-class mail return receipt requested and documented in Sound Transit's files.

13. **Recordkeeping**

Sound Transit will maintain records of acquisition and displacement activities in sufficient detail to demonstrate compliance with these Procedures and law. These records must be maintained for at least three years after each owner of a property and each person displaced from a property receives the final payment to which the person is entitled under these Procedures or in accordance with federal funding requirements, whichever is later. Such records will be confidential regarding their use as public information, unless applicable law provides otherwise.

14. **Relocation Appeals Process**

Sound Transit will promptly review appeals in accordance with the requirements of applicable law and these Procedures.

14.1 Appealable Actions

A person may file written notice of an appeal with Sound Transit in any case in which the person believes that Sound Transit has failed to properly determine the person's eligibility for, or the amount of, a payment required under these Procedures, or a relocation payment required under the Program.

14.2 Limitations

A person is entitled to only such benefits as are specifically delineated in these Procedures.

14.3 Form of Notice

Appeals must be in writing. Sound Transit will consider a written appeal regardless of form. The appeal notice or letter should state what issues are being claimed, the reasons why the aggrieved person believes the claim should be allowed, and how the person believes he/she is otherwise aggrieved. The letter or notice should clearly identify Sound Transit's Project and the parcel of real property involved and should bear the signature and address of the aggrieved person or the person's authorized representative. Sound Transit may refuse to schedule any review or hearing on an appeal until these requirements have been complied with or may issue an order providing for dismissal of such appeal upon failure to comply within a reasonable time specified by Sound Transit, which will not be less than 14 days.

14.4 Time Limit for Initiating Appeal

The time limit will be 60 days after the person receives written notification of Sound Transit's determination on the person's claim.

14.5 Review of Files by Person Making Appeal

Sound Transit will permit a person to inspect and copy all materials pertinent to the person's appeal, except materials that are classified as confidential by Sound Transit. Sound Transit may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

14.6 Scope of Appeal Review

In deciding an appeal, Sound Transit will consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.

14.7 Sound Transit Official to Review Appeal

The Sound Transit Chief Executive Officer or his/her authorized designee will conduct the review of the appeal. However, in no event will the reviewing official have been directly involved in the action appealed.

14.8 Determination of Notification

Promptly after receipt of all information submitted by a person in support of an appeal, Sound Transit will make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the

person a copy. If the full relief requested is not granted, Sound Transit will advise the person of his/her right to seek judicial review.

14.9 Hearing Process

Except as they may be inconsistent with the rules of this Section, the practice and procedure rules as set forth in Chapter 468-10 WAC will apply to appeals under this Program. Where the rules of these Procedures conflict with those of Chapter 468-10 or 10-08 WAC, the rules of these Procedures will govern.

14.10 Discovery

Discovery will be available in relocation appeals as follows. Any party to a relocation appeal may obtain discovery from any party by written interrogatories, written admissions, oral depositions, subpoena duces tecums, and written requests for production of documents. The procedures regarding these methods of discovery are found at CR 28 through 36 and 45(b) as now or hereafter amended and are hereby incorporated in these Procedures.

14.11 Right to Representation

A person has a right to be represented by legal counsel or other representative in connection with his/her appeal, but solely at the person's own expense.

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As authorized in section 4 of the Procedures, I hereby approve of the modifications to the Procedures to comply with the changes in:

Fixing America's Surface Transportation Act (FAST Act; P.L. 114-94)

Moving Ahead for Progress in the 21st Century Act (MAP-21; P.L. 112-131)



Signature

5-25-17

Date

Its: Chief Executive Officer

APPROVED AS TO FORM


Sound Transit Legal Counsel