

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. 98-20-1

Revising Real Property Acquisition and Relocation Policy, Procedures and Guidelines

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee	11/7/02	Discussion/Possible Action to Recommend Board Approval Action	Joann Francis, Director Administrative Services Larry Ellington, Acquisition/Relocation Manager	(206) 689-4934
Board	11/14/02			(206) 398-5026

Contract/Agreement Type:	3	Requested Action:	3
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	
Memorandum of Agreement		Contingency Funds Required	
Purchase/Sale Agreement		Budget Amendment Required	

4 Applicable to proposed transaction.

OBJECTIVE OF ACTION

- To make revisions to the Real Property Acquisition and Relocation Policies, Procedures and Guidelines.

ACTION

- Adopting revised Real Property Acquisition and Relocation Policies, Procedures and Guidelines and superseding Resolution No. 98-20.

KEY FEATURES

- Revises Real Property Acquisition and Relocation Policies, Procedures and Guidelines (Policies) to reflect changes in federal law regarding payment of relocation assistance benefits to aliens not lawfully present in the United States.
- Revises Policies with respect to the acquisition of partial interests in property; the appraisal of property; voluntary transactions; and the applicability to federal, state, and local public agencies.
- Revises Policies for reimbursement of certain professional services. The Policies have been revised to more clearly reflect the circumstances for reimbursement.
- Revises Policies for Reestablishment Expenses to be consistent with state and federal law, removing specific monetary caps from certain line items. The total limit remains at \$10,000 for all reestablishment expenses.
- Supersedes Resolution No. 98-20.

BUDGET DISCUSSION

No identified budget impact. Costs are included within authorized budgets for the acquisition of property.

HISTORY OF PROJECT

Sound Transit's acquisition of real property may result in the displacement of persons and businesses. The Board adopted the Real Property Acquisition and Relocation Policies, Procedures and Guidelines by Resolution 98-20 on April 23, 1998, to provide for the fair treatment of affected parties and for uniform and fair real property acquisition and relocation standards that are in compliance with federal and state regulations.

The Policies closely follow the guidelines of the state and federal law regarding the eligibility and reimbursement amounts relating to the displacement of property and business owners and tenants. The recitation of these guidelines informs affected parties of the means by which Sound Transit will meet the regulatory requirements. Where deemed prudent, we have established caps to limit the amount Sound Transit will reimburse affected parties for certain categories of expenses. These include legal fees (\$7,500), appraisals (\$5,000), property surveys (\$2,500), and accounting fees (\$2,500).

The revised Policies provide for a number of changes to make Sound Transit's policies consistent with state and federal law. Minor edits are also proposed throughout the document to correct grammar and provide clarity. The following are highlights and a brief explanation of the revisions:

Modifications Necessary to Comply with Future Changes in Law

Board approval is required for any changes to the Policies necessary to comply with revisions to applicable law, regulation or Board policy. This revision authorizes the Executive Director to modify the Policies as necessary to comply with future changes in applicable law, regulation, or Board adopted policies.

Eligibility

Alien Not Lawfully Present In The United States

This new section has been added to the Policies to be consistent with federal law. Displaced persons that are not lawfully present in the United States are not eligible to receive relocation assistance benefits, unless denial will result in an exceptional and extremely unusual hardship to the person's lawfully present spouse, parent or child.

Applicability

The current Policies apply to the acquisition of fee, easement and leasehold rights. The Policies are revised to include the acquisition of other partial interests, which in the judgement of Sound Transit should be covered.

Currently, the Policies do not apply to the acquisition of federal, state, or local public agency property. This provision is revised so the Policies apply to federal, state, or local public agency property if Sound Transit has the authority to condemn the property.

Voluntary Transactions

The current Policies do not apply to voluntary transactions, under certain conditions. A new subsection is added to provide that Sound Transit will inform property owners of what it believes to be the fair market value of the property, and treat all owners similarly if more than one site is purchased within a geographic area.

Conflict of Interest

The current Policies prevent an appraiser from acting as Sound Transit's negotiator for real property they have appraised. This provision has been revised for consistency with state law, where the same person may appraise and negotiate an acquisition if the fair market value of the property is \$10,000 or less.

Fees for Professional Services

Under the current Policies, caps have been established to limit the amount Sound Transit will reimburse affected parties for certain categories of expenses. These expenses include legal fees (\$7,500), appraisals (\$5,000), property surveys (\$2,500), and accounting fees (\$2,500). The Policies have been revised to clarify these are the total reimbursable amounts in these categories both for evaluating Sound Transit's offer, and in assisting with relocation planning.

Reestablishment Expenses

The current Policies specify monetary caps for certain categories of reestablishment expenses. For consistency with state and federal law, the specific monetary caps have been removed from these line items. The total limit for all reestablishment expenses remains at \$10,000.

Prior Board or Committee Actions and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
R98-20	Real Property Acquisition and Relocation Policy, Procedures and Guidelines	04-23-98

CONSEQUENCES OF DELAY

Property acquisition activities are increasing for Link light rail and Regional Express projects. Timely adoption these revisions will facilitate property acquisition and the reimbursement of relocation expenses for displaced persons.

LEGAL REVIEW

JB & JDW 10/30/02

SOUND TRANSIT

RESOLUTION NO. 98-20-1

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority adopting revised Real Property Acquisition and Relocation Policies, Procedures and Guidelines and superseding Resolution No. 98-20.

WHEREAS, a Regional Transit Authority (Sound Transit) has been created for the Pierce, King, and Snohomish County region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, on November 5, 1996, Central Puget Sound area voters approved local funding for *Sound Move*, the ten-year plan for regional high-capacity transit in the Central Puget Sound Region; and

WHEREAS, Sound Transit is a governmental entity vested with all powers necessary to implement a high capacity transportation system within its boundaries in King, Pierce, and Snohomish Counties as provided in RCW chs. 81.104 and 81.112; and

WHEREAS, it is necessary for Sound Transit to acquire real property; and

WHEREAS, these acquisitions will result in the displacement of persons and businesses as Sound Transit implements Sound Move; and

WHEREAS, by Resolution 98-20, adopted April 23, 1998, the Board adopted the real estate policies, procedures and guidelines to provide for the uniform and fair treatment of all affected parties; and

WHEREAS, the real estate policies, procedures and guidelines certify compliance with the state and federal law, and will be implemented to assure compliance with all federal and state requirements to meet any funding options pursued by Sound Transit; and

WHEREAS, it is desirable to provide certain revisions to the adopted policies to clarify the Board's intent and to bring them into compliance with changes in State and Federal law;

WHEREAS, the Board has previously authorized the acquisition of real property through the use of condemnation and consistent with the Policies and Procedures;

WHEREAS, the Board intends that such real property be acquired consistent with the Policies and Procedures as revised by this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that:

Section 1: The Board does hereby adopt the attached Real Property Acquisition and Relocation Policy, Procedures and Guidelines, as revised. Acquisitions of real property authorized by prior resolutions of the Board shall be undertaken consistent with the revised Real Property Acquisition and Relocation Policy, Procedures and Guidelines.

Section 2: Resolution No. 98-20, adopted April 23, 1998, is hereby superseded by this resolution and all actions previously taken pursuant to Resolution No. 98-20 are hereby ratified and approved.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on November 14, 2002.



Ron Sims
Board Chair

ATTEST:

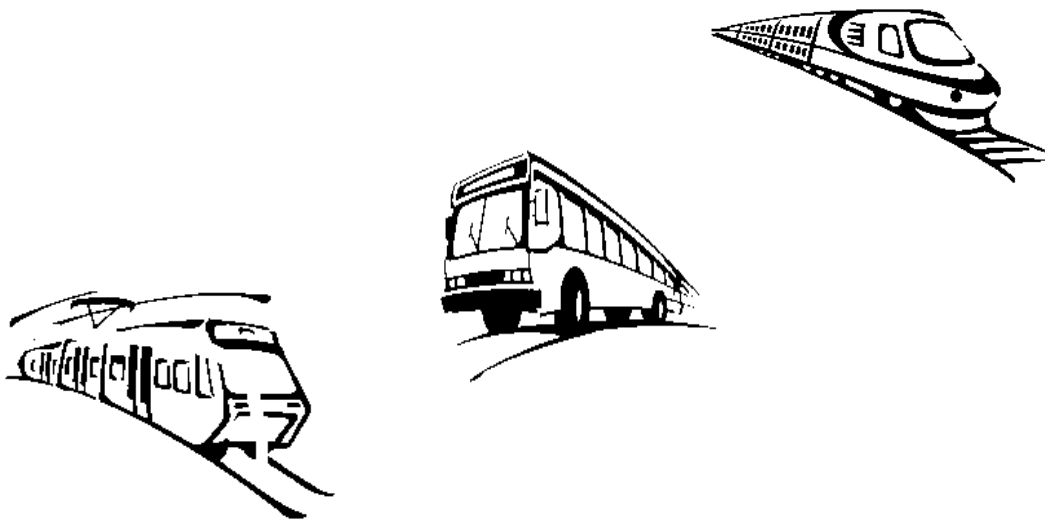


Marcia Walker
Board Administrator



Central Puget Sound
Regional Transit Authority

Central Puget Sound Regional Transit Authority's Real Property Acquisition and Relocation Policy, Procedures and Guidelines



*July, 2002
Revision 2*

TABLE OF CONTENTS

1.	POLICY	6
2.	PURPOSE	6
3.	STATE AND FEDERAL LAW CERTIFICATION	6
4.	ACCOUNTABILITY AND DELEGATION	7
5.	DEFINITIONS	7
5.1.	<i>Appraisal.</i>	7
5.2.	<i>Alien not lawfully present in United States.</i>	7
5.3.	<i>Appraised fair market value.</i>	7
5.4.	<i>Business.</i>	7
5.5.	<i>Comparable replacement dwelling.</i>	8
5.6.	<i>Contribute materially.</i>	9
5.7.	<i>Decent, safe, and sanitary (DSS) dwelling.</i>	9
5.8.	<i>Displaced person.</i>	10
5.9.	<i>Dwelling.</i>	11
5.10.	<i>Fair market value.</i>	11
5.11.	<i>Farm operation.</i>	11
5.12.	<i>Financial assistance.</i>	12
5.13.	<i>Initiation of negotiations.</i>	12
5.14.	<i>Mortgage.</i>	12
5.15.	<i>Nonprofit Organization.</i>	12
5.16.	<i>Owner of displacement dwelling.</i>	12
5.17.	<i>Person.</i>	13
5.18.	<i>Procedures.</i>	13
5.19.	<i>Program.</i>	13
5.20.	<i>Project.</i>	13
5.21.	<i>Salvage value.</i>	13
5.22.	<i>Small business.</i>	13
5.23.	<i>State.</i>	13
5.24.	<i>Tenant.</i>	14
5.25.	<i>Uneconomic remnant.</i>	14
5.26.	<i>Uniform Act.</i>	14

5.27.	<i>Unlawful occupancy.</i>	14
5.28.	<i>Utility Costs.</i>	14
5.29.	<i>Utility facility.</i>	14
5.30.	<i>Utility relocation.</i>	14
5.31.	<i>Voluntary transaction.</i>	14
5.32.	<i>WSDOT.</i>	15
6.	APPLICABILITY	15
6.1.	<i>Real Property Acquisitions, Generally.</i>	15
6.2.	<i>Exceptions.</i>	15
6.3.	<i>No Duplication of Payments.</i>	15
7.	REAL PROPERTY ACQUISITION PROCEDURES	16
7.1.	<i>Appraisals.</i>	16
7.2.	<i>Review of appraisals.</i>	18
7.3.	<i>Making an Offer to Acquire Property and Negotiating for Purchase.</i>	18
7.4.	<i>Acquisition of tenant-owned improvements.</i>	19
7.5.	<i>Acquisition of uneconomic remnants.</i>	20
7.6.	<i>Notices to Owners.</i>	20
7.7.	<i>Short Term Rental of Property by Owner or Tenant.</i>	21
7.8.	<i>Donations.</i>	21
7.9.	<i>Initiation of Condemnation Proceedings.</i>	21
7.10.	<i>Expenses incidental to transfer of title.</i>	22
7.11.	<i>Inverse condemnation.</i>	22
8.	PAYMENT FOR MOVING AND RELATED EXPENSES	22
8.1.	<i>Non-Residential Moves.</i>	23
8.2.	<i>Non-Residential Moves: Fixed Payment in Lieu of Reimbursement for Actual Moving Expenses.</i>	25
8.3.	<i>Residential Moves: Actual Expenses.</i>	27
8.4.	<i>Residential Moves: Fixed Payment In-Lieu of Reimbursement of Actual Expenses.</i>	27
8.5.	<i>Residential Moves: Mobile Homes.</i>	28
8.6.	<i>Ineligible Moving and Related Expenses.</i>	28
8.7.	<i>Discretionary utility relocation payments.</i>	29
8.8.	<i>Extraordinary Expenses.</i>	29
8.9.	<i>Utility Facility Relocation Costs.</i>	29
9.	RE-ESTABLISHMENT EXPENSES	30
9.1.	<i>Eligible expenses.</i>	30

9.2.	<i>Ineligible expenses.</i>	31
10.	PAYMENTS FOR REPLACEMENT HOUSING	31
10.1.	<i>For Certain Homeowners.</i>	31
10.2.	<i>For Tenants and Others.</i>	35
10.3.	<i>Additional rules governing replacement housing payments.</i>	37
11.	RELOCATION ASSISTANCE	39
11.1.	<i>Relocation Advisory Services.</i>	39
11.2.	<i>Aliens not lawfully present in the United States.</i>	40
11.3.	<i>Relocation Notice and Information.</i>	42
11.4.	<i>Availability of Comparable Replacement Dwelling Before Displacement.</i>	43
11.5.	<i>Eviction for cause.</i>	44
11.6.	<i>Claims for relocation payments.</i>	45
11.7.	<i>Relocation planning.</i>	46
12.	CHARACTERIZATION OF PAYMENTS	46
13.	RELOCATION APPEALS PROCESS	47
13.1.	<i>Appealable Actions.</i>	47
13.2.	<i>Limitations.</i>	47
13.3.	<i>Form of notice.</i>	47
13.4.	<i>Time limit for initiating appeal.</i>	47
13.5.	<i>Review of files by person making appeal.</i>	47
13.6.	<i>Scope of Appeal Review .</i>	47
13.7.	<i>RTA Official to Review Appeal.</i>	47
13.8.	<i>Determination of Notification.</i>	48
13.9.	<i>Hearing process.</i>	48
13.10.	<i>Discovery.</i>	48
14.	MOBILE HOMES	48
14.1.	<i>General Provisions.</i>	48
14.2.	<i>Replacement housing payment for one hundred eighty-day mobile home owner-occupants.</i>	48
14.3.	<i>Replacement housing payments for ninety-day mobile home occupants.</i>	49
14.4.	<i>Additional rules governing relocation payment to mobile home occupants.</i>	49
15.	LAST RESORT HOUSING	50
15.1.	<i>Applicability.</i>	50
15.2.	<i>Methods of providing replacement housing.</i>	51

16.	NOTICES	52
17.	RECORDKEEPING	52
18.	CONTRACTS FOR SERVICES	52

CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY'S REAL PROPERTY ACQUISITION AND RELOCATION POLICY, PROCEDURES, AND GUIDELINES

1. POLICY

In order to build and operate a high capacity transit system consisting of commuter rail service between the cities of Everett and Tacoma, 25 miles of light rail service between the cities of SeaTac and Seattle and within the city of Tacoma, and a program of regional bus service, HOV improvements, and park-and ride facilities throughout the central Puget Sound region, it will be necessary for the RTA to acquire real property. This will result in the dislocation of property owners, businesses, tenants, and individuals located within buildings on such real property. It is the RTA'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 Move*, 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 the RTA with the ability to accomplish these goals within the RTA'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 Move* 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 the RTA's program of acquisition of real property for, and relocation of, persons displaced by the implementation of *Sound Move*, the RTA's plan to build and operate a high capacity transit system in the Central Puget Sound Region ("Project"), complies with applicable federal and state law. The Project will include transit supportive and transit oriented development undertaken by the RTA consistent with the RTA Board's adopted guidelines for transit oriented development.

3. STATE AND FEDERAL LAW CERTIFICATION

The RTA certifies that it will comply with Chapter 8.26 RCW, Chapter 468-100 WAC, USCA Title 42, and 49 CFR Part 24 in connection with the acquisition of real property for, and relocation of, persons displaced by the implementation of *Sound Move*. In order to do so, RTA is establishing 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

The RTA Board will be responsible for the policy direction of the RTA's Program. By adopting these Policies, Procedures and Guidelines the RTA Board is establishing the acceptable terms and conditions for the property acquisitions by the RTA. The RTA 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 Executive Director to adopt such administrative rules, procedures or guidelines as the Executive Director may determine to be necessary to implement these Procedures, and also authorized the Executive Director to modify these Procedures as may be necessary to comply with changes in applicable law or regulation or Board-adopted policies.

5. DEFINITIONS

5.1. Appraisal.

A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined fair market value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

5.2. Alien not lawfully present in United States.

Means an alien who is not "lawfully present" in the United States as defined in state and federal law and includes:

- a. 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 and whose stay in the United States has not been authorized by the United States Attorney General; and
- b. 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.

5.3. Appraised fair market value.

The value arrived at using appraisal and review appraisal value.

5.4. Business.

Any lawful activity, except a farm operation, that is conducted:

- a. 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; or
- b. Primarily for the sale of services to the public; or

- c. Solely for the purpose of Section 8.1, conducted primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or
- d. By a nonprofit organization that has established its nonprofit status under applicable federal or state law.

5.5. Comparable replacement dwelling.

A dwelling that meets the additional rules in Section 10.3 and which:

- a. Is decent, safe, and sanitary according to the definition in Section 5.7.
- b. Is functionally equivalent to the displacement dwelling with particular attention to the number of rooms and living space. This means that the replacement dwelling should perform the same function, provide the same utility, and is capable of contributing to a comparable style of living. A comparable replacement dwelling need not possess every feature of the displacement dwelling, but the principal features must be present. Functional equivalency generally is an objective standard, reflecting the range of purposes for which the various features of a dwelling may be used. However, in determining functional equivalency, the RTA may consider reasonable tradeoffs for specific features when the replacement unit is equal to or better than the displacement dwelling.
- c. Is adequate in size to accommodate the occupants.
- d. Is located in an area that is not subject to unreasonable adverse environmental conditions, is not generally less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and is reasonably accessible to the person's place of employment. Comparables may be used from neighborhoods similar to that of the acquired dwelling.
- e. Has a site that is typical in size for residential development with normal site improvements, including customary landscaping. The replacement site need not include either a special improvement or a major exterior attribute of the displacement site in accordance with Section 10.3.a, Paragraph 2.
- f. Is currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance.
- g. Is priced within the financial means of the displaced person.

For a one hundred eighty-day owner-occupant described at Section 10.1.a, a comparable dwelling is considered to be within the displacee's financial means if the owner will receive the full price differential as described in Section 10.1.a (3), all increased mortgage interest costs as described in Section 10.1.a (4), and all incidental expenses as described in Section 10.1.a (6) , plus any additional amount required to be paid under Section 15.

For a ninety-day tenant-occupant described at Section 10.2.a, a comparable dwelling is considered to be within the displacee's financial means if after application of the rental assistance payment, described in said section, the displacee's portion of the monthly rent plus utilities do not exceed person's base monthly rental for the displacement dwelling as described in 10.2.a (2) (b).

For a displaced person who is not eligible to receive a replacement housing payment under Section 10.2.a due to failure to meet the length of occupancy requirements, comparable housing is considered to be within the displacee's financial means if the RTA pays that portion of the monthly housing costs that would exceed thirty percent (30%) of the displacee's monthly income for forty-two months or, if receiving a welfare assistance payment from a program that designates amounts for shelter and utilities. Replacement housing payments would be paid under Section 15.

5.6. Contribute materially.

During the two taxable years before the taxable year in which displacement occurs, or during such other period as the RTA determines to be more equitable, a business or farm operation:

- a. Had average annual gross receipts of at least five thousand dollars (\$5,000); or
- b. Had average annual net earnings of at least one thousand dollars (\$1,000); or
- c. Contributed at least thirty-three and one-third percent (33 1/3 %) of the owner's or operator's average annual gross income from all sources.
- d. If the application of the above criteria creates an inequity or hardship in a given case, the RTA may approve the use of other criteria as determined appropriate.

5.7. Decent, safe, and sanitary (DSS) dwelling.

A dwelling that meets applicable housing and occupancy codes. However, any of the following standards that are not met by an applicable code will apply, unless waived for good cause by the applicable federal funding. The dwelling will:

- a. Be structurally sound, weather tight, and in good repair.
- b. Contain a safe electrical wiring system adequate for lighting and other electrical devices.
- c. Contain a heating system capable of sustaining a healthful temperature (of approximately seventy degrees) for a displaced person.
- d. Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. There will be 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.

- e. Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- f. For a displaced person who is handicapped, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

5.8. Displaced person.

- a. General. Any person who moves from the real property or moves his or her personal property from the real property (this includes a person who does not meet the length of occupancy requirements of Sections 10.1.a and 10.2.a):

As a direct result of the RTA's acquisition of, or the initiation of negotiation for, such real property in whole or in part for the Project; or

As a direct result of a written order from the RTA to vacate such real property for the Project; or

As a direct result of the RTA's acquisition of, or written order to vacate for the Project, other real property on which the person conducts a business or farm operation;

As a direct result of a voluntary transaction by the owner as described in Section 6.2.a, thereby displacing a tenant; or

As a direct result of the RTA's rehabilitation or demolition for the Project ; or

As a direct result of the RTA's initiation of negotiations, acquisition of, demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for the Project. Eligibility under this subparagraph (6) is only for purposes of obtaining relocation assistance advisory services under Section 11.1 and moving expenses under Sections 8.1, 8.3, and 8.4.

- b. Persons not displaced. The following is a nonexclusive listing of persons who do not qualify as a displaced person under these Procedures:

A person who moves before the initiation of negotiations except one who is required to move for reasons beyond his or her control as explained in Section 10.3.e; or

A person who initially enters into occupancy of the property after the date of its acquisition for the Project (such determination will be made in accordance with any guidelines of the federal funding agency); or

A person that the RTA determines is not required to relocate permanently as a direct result of the Project; or

A person that the RTA determines is not displaced as a direct result of a partial acquisition; or

A person who, after receiving a notice of relocation eligibility also receives a notice of non eligibility (described in Section 11.3.b, paragraph 2); or

- An owner who voluntarily sells his or her property as described in Section 6.2.a after being informed in writing that if a mutually satisfactory agreement of sale cannot be reached, the RTA will not acquire the property; or
- A person who retains the right of use and occupancy of the real property for life following its acquisition by the RTA; or
- A person who retains the right of use and occupancy of the real property for a fixed term after its acquisition for a program or project receiving federal financial assistance from the Department of Interior; or
- A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act; or
- A person who is determined to be in unlawful occupancy or a person who has been evicted for cause before the initiations of negotiations for the property; or
- A person who initially enters occupancy of the property after the date of its acquisition for the Project; or
- A person who, after receiving notice of relocation eligibility, is notified in writing that he or she will not be displaced for the Project. Such notice will not be issued unless the person has not moved and the RTA agrees to reimburse the person for any expenses incurred to satisfy any findings of contractual obligations entered into after the effective date of the notice of relocation eligibility; or
- An owner-occupant who moves 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); or
- A person who is not lawfully present in the United States and who has been determined to be ineligible for relocation benefits in accordance with Section 11.2.

5.9. Dwelling.

The place of permanent or customary and usual residence of a person, as determined by the RTA according to local custom or law, including a single family house; a single family unit in a two-family, multifamily, or multipurpose property; a unit of a condominium or cooperative housing project; a nonhousekeeping unit; a mobile home; or any other fixed or installed residential unit other than a unit customarily used, and currently (although not necessarily immediately) capable of use, for transportation or recreational purposes.

5.10. Fair market value.

The value of real property established by an appraisal and review appraisal, as set forth in Section 7 and Section 5.3.

5.11. Farm operation.

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.

5.12. Financial assistance.

A grant, loan, or contribution, except a federal guarantee or insurance.

5.13. Initiation of negotiations.

The date of delivery of the initial written offer by the RTA to the owner or the owner's representative to purchase real property for the Project for the amount determined to be just compensation. However:

- a. If the RTA 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 date the person moves from the property (See also Section 14.4.c.); or
- b. If the displacement is caused by rehabilitation, demolition, or privately undertaken acquisition of real property (and there is no related federal or state agency acquisition) the initiation of negotiations means the notice to the person that he or she will be displaced by the Project or, if there is no notice, the actual move of the person from the property; or
- c. 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"), 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.

5.14. Mortgage.

Any of 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.

5.15. Nonprofit organization.

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 USC 501).

5.16. Owner of displacement dwelling.

A displaced person owns a displacement dwelling if the person holds any of the following interests in real property acquired for the Project:

- a. Fee title, a life estate, a ninety-nine year lease, or a lease, including any options for extension, with at least fifty years to run from the date of acquisition; or
- b. An interest in a cooperative housing project that includes the right to occupy a dwelling; or
- c. A contract to purchase any of the interests or estates described in Subsection (a) or (b) above; or
- d. Any other interests, including a partial interest, which in the judgment of the RTA warrants consideration as ownership.

5.17. Person.

Any individual, family, partnership, corporation, or association.

5.18. Procedures.

The Central Puget Sound Regional Transit Authority's Real Property Acquisition and Relocation Policy, Procedures, and Guidelines as contained in this document.

5.19. Program.

The RTA's real property acquisition and relocation program, comprised of the Procedures and any administratively adopted procedures and policies regarding real property acquisition and relocation. The Project includes transit supportive and transit-oriented development undertaken by the RTA consistent with the RTA Board's adopted guidelines for transit oriented development.

5.20. Project.

Sound Move, the RTA's plan to build and operate a high capacity transit system in the Central Puget Sound Region.

5.21. Salvage value.

The probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

5.22. Small business.

Any business having not more than five hundred employees working at the site being acquired or permanently displaced by the Project. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of Section 9.

5.23. State.

Any department, commission, agency, or instrumentality of the state of Washington.

5.24. Tenant.

A person who has temporary use and occupancy of real property owned by another.

5.25. Uneconomic remnant.

A parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and that the RTA has determined has little or no value or utility to the owner.

5.26. Uniform Act.

The Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), and amendments thereto.

5.27. Unlawful occupancy.

A person is considered to be in unlawful occupancy when such person has been ordered to move by a court before the initiation of negotiations for the acquisition of the occupied property, or is determined by the RTA to be a squatter who is occupying the property without permission of the owner and otherwise has no legal right to occupy the property under Washington law. The RTA may, at its discretion, consider such a squatter to be a legal occupant.

5.28. Utility costs.

Expenses for heat, light, water, and sewer.

5.29. Utility facility.

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.

5.30. Utility relocation.

The adjustment of a utility facility required by the Project. It includes removing and reinstalling the facility, including necessary temporary facilities, moving, rearranging or changing the type of existing facilities; and taking any necessary safety and protective measures. It may also mean acquiring necessary right-of-way on new locations and/or 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.

5.31. Voluntary transaction.

A donation, exchange, market sale, or other type of agreement entered into without compulsion on the part of the RTA.

5.32. WSDOT.

The Washington State Department of Transportation.

6. APPLICABILITY

6.1. Real property acquisitions, generally.

These Procedures apply to real property acquisitions by the RTA for the purposes of implementing the Project. In addition to fee simple title, these procedures apply to the acquisition of the following property interests:

- a. Fee simple title subject to a life estate or a life use;
- b. Leasehold interest when the lease term, including option(s) for extension, is 50 years or more;
- c. Permanent easement; and
- d. Other partial interests, which in the judgment of the RTA, should be covered.

6.2. Exceptions.

These Procedures do not apply to the following:

- a. The property is to be acquired through a voluntary transaction when the following conditions also exist:

The property to be acquired is not part of the Project area where all, or substantially all, of the property within the area is eventually to be acquired,

The RTA will not acquire the property in the event negotiations fail to result in an amicable agreement; and

The owner is so informed in writing.

- b. The property is to be acquired from a federal, state, or local public agency if the RTA does not have the authority to acquire the property through condemnation.
- c. The property is to be acquired without the use of federal funds and federal funding requirements are determined not applicable, in which case the RTA may, in its discretion, not apply all or any part of these Procedures.

6.3. No duplication of payments.

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

6.4 Voluntary Transactions.

The RTA will inform property owners of what it believes to be the fair market value of the property. When the RTA purchases more than one site within a geographic area on a voluntary transaction basis, it will treat all owners similarly.

7. REAL PROPERTY ACQUISITION PROCEDURES

To the greatest extent practicable, the RTA will make reasonable efforts to acquire real property expeditiously and by negotiation based on appraised fair market value. As soon as feasible, the RTA will notify owners of the RTA's interest in acquiring the real property and the basic protections, including the RTA's obligation to secure an appraisal, provided to the owner as set forth herein. Real property will be appraised before the initiation of negotiations. The owner and his designated representative will be given an opportunity to accompany at least one RTA appraiser during his 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, the RTA will obtain an independent third party appraisal of the property.

- a. An appraisal is not required in the following circumstances:

The owner is donating the property and releases the RTA from its obligation to appraise the property; or

The RTA determines that an appraisal is unnecessary, because the valuation problem is uncomplicated and the fair market value is estimated at two thousand, five hundred dollars (\$2,500) or less, based on a review of available data.¹

- b. Standards. The format and level of documentation for an appraisal will depend on the complexity of the appraisal problem. The RTA will develop minimum standards for appraisals consistent with established and commonly accepted appraisal practice for those acquisitions which, by virtue of their low fair market value or simplicity, do not require the in-depth analysis and presentation necessary in a detailed appraisal. A detailed appraisal will be prepared for all other acquisitions. A detailed appraisal will reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition. An appraisal must contain sufficient documentation, including 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:

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.

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), 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 five-year sales history of the property.

All relevant and reliable approaches to fair market value consistent with commonly accepted professional appraisal practices. If more than one approach is utilized, there will be an analysis and reconciliation of approaches to fair market value that are sufficient to support the appraiser's opinion of fair market value.

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.

A statement of the fair market value of the real property to be acquired and, for a partial acquisition, a statement of the fair market value of the damages and benefits, if any, to the remaining real property.

The effective date of valuation, date of appraisal, signature, and certification of the appraiser.

- c. Influence of the implementation of the Project on just compensation. To the extent permitted by applicable law, the appraiser in his or her "before" valuation will disregard any decrease or increase in the fair market value of the real property caused by the implementation of the Project, or by the likelihood that the property would be acquired for the Project, other than that due to the physical deterioration within the reasonable control of the owner.
- d. Owner retention of improvements. If the owner of a real property improvement agrees and is permitted to obtain the right to remove it in whole or in part from the project site, the amount to be offered for the interest in the real property to be acquired will be the amount determined to be just compensation for the owner's entire interest in the real property. The RTA will deduct the salvage value of the improvement to be removed from the payment.
- e. Qualifications of appraisers. 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:

Appraisal Institute;

International Right of Way Association; or

National Association of Independent Fee Appraisers;

Appraiser qualifications will be consistent with the level of difficulty of the appraisal assignment. If the appraisal assignment requires the preparation of a detailed appraisal pursuant to Section 7.1.(b), and the RTA uses a contract (fee) appraiser to perform the appraisal, such appraisers must be certified in accordance with Title XI of the Financial Institutions Reform, Recovery & Enforcement Act of 1989 (FIRREA). The RTA will review the experience, education, training, and other qualifications of appraisers, including review appraisers, and use only those the RTA determines to be qualified.

- f. Conflict of interest. No appraiser or review appraiser may have any interest, direct or indirect, in the real property being appraised for the RTA that would in any way conflict with the preparation or review of the appraisal. Compensation for making an appraisal will not be based on the amount of the valuation. No appraiser may act as a negotiator for real property that that person has appraised except that the RTA may permit the same person to appraise and negotiate an acquisition in which the fair market value is \$10,000 or less.²

7.2. Review of appraisals.

Appraisals will be reviewed as follows:

- a. All reviewing appraisers will be required to meet the minimum qualifications specified in Section 7.1.e above.
- b. A qualified reviewing appraiser will examine all appraisals, and where appropriate as required by federal funding, agency regulations or grant requirements, assure that they meet applicable appraisal requirements and will, before acceptance, seek necessary corrections or revisions. The qualifications of the appraiser for each case depend on the complexity of the appraisal problem. The review appraiser will determine whether the appraiser's documentation, including valuation data and analyses of that data, demonstrates the soundness of the appraiser's opinion of fair market value.
- c. If the reviewing appraiser is unable to approve or recommend approval of an appraisal as an adequate basis for the estimate of just compensation, and it is determined that it is not practical to obtain an additional appraisal, the reviewing appraiser may develop appraisal documentation in accordance with the above section to support an approved or recommended fair market value. The RTA may determine whether a second review is needed if the first review appraiser establishes a fair market value different from that in the appraisal report(s) on the property.
- d. The review appraiser's certification of the recommended or approved fair market value of the property will be set forth in a signed statement that identifies the appraisal reports reviewed and explains the basis for such recommendation or approval. Any damages or benefits to any remaining property will also be identified in the statement. The level of explanation by the review appraiser depends on the complexity of the appraisal problem. The RTA may accept a simple approval endorsement by the review appraiser in the case of a low value property requiring an uncomplicated valuation process.

7.3. Making an offer to acquire property and negotiating for purchase.

- a. Establishing Just Compensation. Before initiating negotiations to acquire property, the RTA will establish an amount that 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 the RTA's appraisal of the fair market value of the property. In establishing just compensation, the RTA will disregard any decrease or increase in the fair market value of the property that occurred before the date of valuation (a) as

a result of the Project or (b) because of the likelihood that the property would be acquired for the Project. The RTA will then make a prompt offer to acquire the property for the full amount of just compensation it established.

- b. Information to owner. At the time negotiations are initiated, the RTA will provide the owner of the property with a written statement of, and summary of the basis for, the amount the RTA established as just compensation. Where appropriate, the just compensation for the real property, for any damages to remaining real property, and for any benefits to remaining real property will be separately stated. In addition, the RTA's written statement will include a description and location identification of the real property and the interest in the real property to be acquired, along with an identification of the buildings, structures, and other improvements (including removable building equipment and trade fixtures) that are considered to be part of the real property (e.g. a tenant-owned improvement) and indicate that such interest is not covered by the offer.
- c. Basic negotiation procedures. The RTA will make 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 these Procedures to the extent applicable, including payment of incidental expenses in accordance with Section 7.10. The owner will be given reasonable opportunity to consider the offer and present material the owner believes is relevant to determine the value of the property and to suggest modification of the proposed terms and conditions of the purchase. The RTA will consider the owner's presentation.
- d. 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 the appraisal(s) of the property, the RTA 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, the RTA will promptly re-establish just compensation and offer that amount to the owner in writing.
- e. Fees for professional services incurred to evaluate the RTA's offer, subject to the limits below (including applicable local and state taxes): 1) legal fees not to exceed seven thousand, five hundred (\$7,500) (other than legal fees ineligible for reimbursement under Section 8.6); 2) real property and equipment appraisals , together not to exceed five thousand (\$5,000); 3) property surveys for replacement location not to exceed two thousand, five hundred (\$2,500); and 4) accounting fees not to exceed two thousand, five hundred (\$2,500). Any payment made for professional services under this section will be deducted from the payment made under Section 8.1.a.(8).

7.4. Acquisition of tenant-owned improvements.

- a. Acquisition of improvements. When acquiring any interest in real property, the RTA will offer to acquire at least an equal interest in all buildings, structures, or

other improvements located upon the real property to be acquired or that the RTA 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, except when tenant-owner is compensated to remove an improvement through relocation reimbursement, as provided in Section 8.

- b. Improvements considered 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 section.
- c. Appraisal and establishment of just compensation for tenant-owned real property improvements. Just compensation for a tenant-owned real property improvement is the amount that the improvement contributes to the fair market value of the whole property or its salvage value, whichever is greater, less any applicable depreciation.
- d. Special conditions. No payment will be made to a tenant-owner to acquire any real property improvement or relocate any tenant-owned real estate fixture unless:
 - (a) The owner of the real property on which the improvement is located disclaims all interest in the tenant's realty improvement or fixture; and
 - (b) The tenant-owner, in consideration for the acquisition payment, assigns, transfers, and releases to the RTA all of the tenant-owner's right, title, and interest in the realty improvement; and
 - (c) 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 these Procedures and to obtain payment for such property interests in accordance with other applicable law.

7.5. Acquisition of uneconomic remnants.

If the acquisition of only a portion of a parcel of property would leave the owner with an uneconomic remnant, the RTA will offer to acquire the remnant. In cases where the RTA identifies certain opportunity exists to further the RTA's commitment to transit-oriented development, it may acquire additional property, in whole or in part. In such cases, property owners and tenants will be deemed eligible for just compensation and relocation benefits according to these Procedures.

7.6. Notices to owners.

Except in unusual circumstances, the RTA will provide at least ninety days written notice of the date by which a business or a tenant must move its operation or relocate its use. The RTA will document its determination of unusual circumstances in its record.

7.7. Short term rental of property by owner or tenant.

If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term or for a period subject to termination on short notice, the RTA will not impose a rental amount that exceeds the fair rental value of the property to a short-term occupier. The RTA may further reduce the short-term rental rate in consideration of the owner or tenant's cooperation in facilitating the RTA's acquisition or in recognition of additional expenses or costs incurred by the person or tenant to move out and relocate on an accelerated basis. In any case, however, no owner or tenant may occupy real property owned by the RTA for less than the minimum rental rate amount determined by the RTA, consistent with this section. Such rental relationship will be documented using a lease agreement containing reasonable terms and conditions required by the RTA. Such lease may include a requirement of a refundable security deposit and provision for increased "holdover" rent if the tenant fails to vacate promptly.

7.8. Donations.

A person whose real property is being acquired in accordance with these Procedures may donate the property after being fully informed of the right to receive just compensation for the property, any part thereof, any interest therein, or any compensation paid for it to any agency as the person may determine. The RTA will be responsible for assuring that an appraisal of the real property is obtained unless the owner releases the RTA from such obligation or as provided in Section 7.1.a(1).

7.9. Initiation of condemnation proceedings.

The RTA will not advance the time of condemnation, or defer negotiations or condemnation, or the deposit of the funds with the court, or take any other coercive action to induce an agreement on the price to be paid for the property. However, in order for the RTA to comply with the schedule for implementation of the Project, it may become necessary to initiate condemnation as soon as practicable after the Board of the RTA has selected final alignments and station and facility locations and purchase offers are submitted to the property owners and either deferred or rejected. Negotiations may continue with affected parties after the initiation of condemnation proceedings at the discretion of the RTA.

- a. Deposit of purchase price. Consistent with the procedures in Chapter 8.26 RCW, no property owner will be required to surrender possession of real property before the agreed purchase price is paid or deposited with a court having jurisdiction over the condemnation of the property for the benefit of the owner. The amount paid or deposited will not be less than the RTA's appraisal of the fair market value of such property or the amount of the award of compensation in the condemnation proceeding for the property. In exceptional circumstances, with the prior approval of the owner, the RTA may obtain a right-of-entry for construction purposes before making a payment available to an owner.
- b. Payment of costs and fees. Except as required by law, the RTA will not reimburse the owner of the real property for any expenses associated with a formal condemnation proceeding conducted by the RTA. Instances in which the RTA will

be required to pay reasonable expenses, including engineering, appraisal, and attorney fees, include the following:

The court's final judgement is that the RTA cannot acquire the real property by condemnation;
or

The RTA abandons the condemnation proceedings other than as agreed upon in settlement; or

The court having jurisdiction renders a judgement of inverse condemnation or;

The RTA effects a settlement of such proceedings.

7.10. Expenses incidental to transfer of title.

As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, the RTA will reimburse the owner to the extent the RTA deems fair and reasonable, for expenses the owner necessarily incurred to transfer right, title or interest to the RTA as provided in RCW 8.26.200. Whenever feasible, the RTA will pay such costs directly so that the owner will not have to pay the costs and then seek reimbursement. These costs may include the following:

- a. Recording fees, excise taxes, evidence of title boundary surveys, legal descriptions of real property, and similar expenses incidental to conveyance of the real property to the RTA. The RTA will not pay costs incurred solely to perfect the owner's title to the real property;
- b. Penalty costs and other charges for prepayment of any pre-existing recorded mortgage entered into in good faith encumbering the property;
- c. The prorated portion of any prepaid real property taxes that are allocable to the period after the RTA obtains title to the property or effective possession of it, whichever is earlier.

7.11. Inverse condemnation.

No owner will be intentionally required to institute legal proceedings to prove the fact of the taking of the owner's real property.

8. PAYMENT FOR MOVING AND RELATED EXPENSES

If the RTA 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, the RTA 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.

8.1. Non-residential moves.

The RTA will reimburse the displaced business or farm operation for their documented actual moving and related expenses that the RTA determines to be reasonable and necessary, including those expenses described below.

a. Eligible expenses. (See Section 8.6 for a list of ineligible expenses)

Transportation of personal property. Transportation costs for a distance beyond fifty miles are not eligible, unless the RTA, at its sole discretion, determines that relocation beyond fifty miles is justified.

Packing, crating, unpacking, and uncrating of the personal property.

Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, including substitute personal property described in Paragraph 12 below. This includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right-of-way to the building or improvement are excluded.)

Storage of the personal property for a period not to exceed twelve months, unless the RTA determines, in its sole discretion, that a longer period is necessary.

Insurance for the replacement value of the personal property in connection with the move and necessary storage.

Any license, permit, or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, or certification.

The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

Professional services necessary for the tasks listed below. Such professional services may include legal fees not to exceed seven thousand, five hundred (\$7,500) (other than legal fees ineligible for reimbursement under Section 8.6), real property and equipment appraisals together not to exceed five thousand (\$5,000), property surveys for replacement location, not to exceed two thousand, five hundred (\$2,500), and accounting fees not to exceed two thousand, five hundred (\$2,500), including applicable local and state taxes associated with those fees.

- (a) Planning the move of the personal property;
- (b) Moving the personal property; and
- (c) Installing the relocated personal property at the replacement location.

Re-lettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.

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:

- (d) The value of the item for continued use at the displacement site, 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 the RTA determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the value will be based on the cost of the goods to the business, not the potential selling price.); or
- (e) The estimated cost of moving the item, but with no allowance for storage. (If the business or farm operation is discontinued, the estimated cost will be based on a moving distance of fifty miles.)

The reasonable cost incurred in attempting to sell an item that is not to be relocated.

Purchase of substitute personal property. If an item of personal property that is used as part of a business 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:

- (f) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
- (g) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the RTA's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.

Searching for a replacement location. A displaced business or farm operation is entitled to reimbursement for actual expenses, not to exceed one thousand dollars (\$1,000), as the RTA determines to be reasonable, which are incurred in searching for a replacement location, including:

- (h) Transportation;
- (i) Meals and lodging away from home;
- (j) Time spent searching, based on reasonable salary or earnings;
- (k) 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 site.

Other moving-related expenses that are not listed as ineligible under Section 8.6, as the RTA determines to be reasonable and necessary.

- b. Notification and inspection. The following requirements apply to payments under Section 8:

The RTA will inform the displaced person in writing, of the requirements of subparagraphs (2) and (3) below, as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided to the displaced person as set forth in Section 11.3.

The displaced person must provide the RTA reasonable advance written notice of the approximate date of the start of the move or disposition of the personal property and a list of the items to be moved. The RTA may waive this notice in its discretion.

The displaced person must permit the RTA to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.

- c. Self-moves. If the displaced person elects to take full responsibility for the move of the business or farm operation, the RTA may make a payment for the person's moving expenses in an amount not to exceed the lower of two acceptable bids or estimates obtained by the RTA or prepared by qualified staff. At the RTA's discretion, a payment for a low cost or uncomplicated move may be based on a single bid or estimate.
- d. Transfer of ownership. Upon request and in accordance with applicable law, the claimant will transfer to the RTA ownership of any personal property that has not been moved, sold, or traded in.
- e. Advertising signs. The amount of a payment for direct loss of an advertising sign that is personal property will be the lesser of:

The depreciated reproduction cost of the sign, as determined by the RTA, less the proceeds from its sale; or

The estimated cost of moving the sign, but with no allowance for storage.

8.2. Non-residential moves: fixed payment in lieu of reimbursement for actual moving expenses.

- a. Business. A displaced business may be eligible to choose a fixed payment in lieu of a payment for actual moving and related expenses, and actual reasonable reestablishment expenses provided for in section above. The payment except for payment to a nonprofit organization, will equal the average annual net earnings of the business, as computed in accordance with Subsection (e) of this section, but not less than one thousand dollars (\$1,000) or more than twenty thousand dollars (\$20,000).³ The displaced business is eligible for the payment if the RTA determines that:

The business owns or rents personal property that 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; and

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 the RTA demonstrates that it will not suffer a substantial loss of its existing patronage; and

The business is not part of a commercial enterprise having more than three other entities that are not being acquired by the RTA, and that are under the same ownership and engaged in the same or similar business activities.

The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others; and

The business is not operated at the displacement site solely for the purpose of renting the site to others; and

The business contributed materially to the income of the displaced person during the two taxable years before displacement.

- b. Determining the number of businesses. In determining whether two or more displaced legal entities constitute a single business that is entitled to only one fixed payment, the RTA will consider all pertinent factors including the extent to which:

The same premises and equipment are shared;

Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

The entities are held out to the public, and to those customarily dealing with them, as one business; and

The same person, or closely related persons own, control, or manage the affairs of the entities.

- c. Farm operation. A displaced farm operation, may choose a fixed payment in lieu of a payment for actual moving and related expenses in an amount equal to its average annual net earnings as computed in accordance with Subsection e of this section, but not less than one thousand dollars (\$1,000) nor more than twenty thousand dollars (\$20,000).⁴ In the case of a partial acquisition of land that was a farm operation before the acquisition, the fixed payment will be made only if the RTA determines that:

The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

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 one thousand (\$1,000) to twenty thousand (\$20,000) dollars⁵ in lieu of a payment for actual moving and related expenses if the RTA 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 the RTA demonstrates otherwise. Any payment in excess of one thousand dollars (\$1,000) must be supported with financial statements for the two twelve-month periods before 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 before the taxable year in which it was displaced.⁶ If the business or farm was not in operation for the full two taxable years before displacement, net earnings will be based on the actual period of operation at the displacement site during the two

taxable years before displacement projected to an annual rate. Average annual net earnings may be based upon a different period of time when the RTA 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 the RTA proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence that the RTA determines is satisfactory.

8.3. Residential moves: actual expenses.

The RTA will reimburse the displaced owner-occupant or tenant of a residential dwelling for their documented actual moving and related expenses that the RTA determines to be reasonable and necessary including the actual reasonable expenses in moving the person, his/her family, or other personal property.

- a. Disconnect, dismantle, and remove displaced personal property.
- b. Pack displaced personal property.
- c. Transport displaced person and personal property within fifty miles. The RTA may authorize transportation costs of a distance beyond fifty miles based on economic feasibility of the available choices of replacement locations, but not on the displacee's subjective preferences.
- d. Store personal property for a period not to exceed twelve months, unless the RTA determines a longer period is necessary.
- e. Unpack relocated personal property.
- f. Reassemble, reinstall, and reconnect relocated personal property.
- g. Insure for the replacement value of personal property in connection with the move; or where insurance covering loss, theft, or damage in the process of moving (not through fault or negligence of the displaced person or the person's agent, or employee) is not reasonably available, pay the replacement value for such loss, theft, or damage.
- h. The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
- i. Reimburse other moving-relating expenses that are not listed as ineligible under Section 8.6, as the RTA determines to be reasonable and necessary.

8.4. Residential moves: fixed payment in-lieu of reimbursement of actual expenses.

A person displaced from a dwelling or a seasonal residence is entitled to receive a fixed payment in lieu of a payment for actual moving and related expenses covered under Section 8.3. This allowance will be determined according to the applicable schedule approved by the

Federal Highway Administration and WSDOT, except that the expense and dislocation allowance to a person occupying a furnished one-room unit shared by more than one other person involving a minimum of personal property to be moved, will be limited to fifty dollars (\$50).⁷

8.5. Residential moves: mobile homes.

If the displaced dwelling is a mobile home and/or mobile home site, the provisions below will supplement the procedures set forth above regarding reimbursement of moving expenses for persons displaced from a residential dwelling. However, if the mobile home is not acquired but the owner obtains a replacement housing payment under one of the circumstances described in Section 14.2.c, the owner is not eligible for payment for moving the mobile home.

- a. A displaced mobile homeowner who moves the mobile home to a replacement site is eligible for the necessary and reasonable cost of disassembling, moving, and reassembling any attached appurtenances (such as porches, decks, skirting, and awnings) that were not acquired, anchoring of the unit, and utility "hook-up" charges.
- b. If a mobile home requires repairs and/or modifications so that it can be moved and/or made decent, safe, and sanitary, and the RTA determines that it would be practical to relocate it, the reasonable cost of such repairs and/or modifications is reimbursable.
- c. A non-returnable mobile home park entrance fee is reimbursable, 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 the RTA determines that payment of the fee is necessary to effect relocation.

8.6. Ineligible moving and related expenses.

The RTA will not reimburse for certain moving and related expenses (residential and non-residential), including the following:

- a. The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. However, this section does not preclude the computation under Section 10.1.a(3)(d)(iii) or
- b. Interest on a loan to cover moving expenses; or
- c. Loss of goodwill; or
- d. Loss of profits; or
- e. Loss of trained employees; or
- f. Any additional operating expenses of a business or farm operation, incurred because of operating in a new location except as provided in Section 9.1, Paragraph j; or

- g. Personal injury; or
- h. Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the RTA; or
- i. Expenses for searching for a replacement dwelling; or
- j. Physical changes to the real property at the replacement location of a business or farm operation; or
- k. Costs for storage of personal property on real property already owned or leased by the displaced person.

8.7. Discretionary utility relocation payments.

If the Project causes the relocation of a utility facility and the relocation of the facility creates extraordinary expenses for its owner, the RTA may, at its option, make a relocation payment to the owner for all or part of such expenses, if the following criteria are met:

- a. 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; and
- b. The utility facility's right of occupancy is pursuant to State law or local ordinance specifically authorizing such use and occupancy has been granted through a franchise, use and occupancy permit, or other similar agreement; and
- c. Relocation of the utility facility is required by and is incidental to the primary purpose of the Project; and
- d. 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
- e. State or local government reimbursement for utility moving costs or payment of such costs by the RTA is in accordance with State law.

8.8. Extraordinary expenses.

For the purposes of this Section, the term *extraordinary expenses* means those expenses which, in the RTA's opinion 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.

8.9. Utility facility relocation costs.

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 Project, less any increase in value of the new facility and salvage value of the old facility. The RTA 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 methods of accumulating costs and making payment.

9. RE-ESTABLISHMENT EXPENSES

The RTA may reimburse a displaced business, farm, or nonprofit organization for re-establishment expenses up to a maximum of ten thousand dollars (\$10,000).⁸ Such reimbursement would be for expenses actually incurred in relocating and reestablishing the small business, farm or non-profit organization at a replacement site. This reimbursement would be in addition to any reimbursement for moving and related expenses provided for in Section 8 above.

9.1. Eligible expenses.

Reestablishment expenses must be reasonable and necessary, as determined by the RTA. They may include, but are not limited to, the following:

- a. Repairs or improvements to the replacement real property as required by federal, state, or local law, code, or ordinance.
- b. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- c. Construction and installation costs for exterior signing to advertise the business.
- d. Provision of utilities from right of way to improvements on the replacement site.
- e. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
- f. Licenses, fees, and permits when not paid as part of moving expenses.
- g. Feasibility surveys, soil testing and marketing studies.
- h. Advertisement of replacement location
- i. Professional services in connection with the purchase or lease of a replacement site.
- j. Increased costs of operation during the first two years at the replacement site for such items as:

Lease or rental charges;

Personal or real property taxes;

Insurance premiums; and

Utility charges, excluding impact fees.

- k. Impact fees or one-time assessments for anticipated heavy utility usage.

1. Other items that the RTA considers essential to the reestablishment of the business.

9.2. Ineligible expenses.

The following is a nonexclusive list of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

- a. Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.
- b. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- c. Interior or exterior refurbishments at the replacement site that are for aesthetic purposes, except as provided in Section 9.1, Paragraph e.
- d. Interest on money borrowed to make the move or purchase the replacement property.
- e. Payment to a part-time business in the home that does not contribute materially to the household income.

10. PAYMENTS FOR REPLACEMENT HOUSING

10.1. For certain homeowners.

In addition to payments otherwise authorized by these Procedures, the RTA will make an additional payment to persons displaced from a dwelling actually owned and occupied by the displaced person for not less than one hundred eighty (180) 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 the RTA for the acquired dwelling or the date when the RTA's obligations under RCW 8.26.075 are met, whichever date is later, unless the RTA 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 twenty two thousand, five hundred dollars (\$22,500),⁹ and will be established as set forth in Section 10.1.a below, and, in the case of mobile home owner-occupants, as supplemented by Sections 14.2 and 14.3 below.

- a. Replacement housing payment for one hundred eighty-(180) day homeowner-occupants.

Entitlement. A displaced person is entitled to the replacement housing payment for a one hundred eighty-(180) day, homeowner-occupant if the person:

- (a) Has actually owned and occupied the displacement dwelling for not less than the one hundred eighty (180) days immediately before the initiation of negotiations; and
- (b) Purchases and occupies a DSS replacement dwelling within one year after the later of (except that the RTA may extend the one-year period for good cause):
 - i. The date the person receives final payment for the displacement dwelling or, in the case of condemnation, the date the required amount is deposited in the court;
 - ii. The date the person moves from the displacement dwelling; or
 - iii. The date the RTA's obligations under Section 15 are met.

Amount of payment. The replacement housing payment for an eligible one hundred eighty-(180) day homeowner-occupant may not exceed twenty-two thousand, five hundred dollars (\$22, 500)¹⁰. The payment under this Section 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 such person is initially offered a comparable replacement dwelling, whichever is later. The payment will be the sum of:

- (c) The amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling (price differential), as determined in accordance with Subparagraph (3) of this section; and
- (d) The increased interest costs and other debt service costs to be incurred in connection with the mortgage(s) on the replacement dwelling (increased mortgage interest cost), as determined in accordance with Subparagraph (4) of this section; and
- (e) The necessary and reasonable expenses incidental to the purchase of the replacement dwelling (incidental purchase expense), as determined in accordance with Subsection (6) of this section.

Price differential.

- (f) Determination of price differential. The price differential to be paid under Subsection (2)(a) of this section is the amount that must be added to the acquisition cost of the displacement dwelling to provide a total amount equal to the lesser of:
 - i. The reasonable cost of a comparable replacement dwelling as determined in accordance with Section 10.3.a; or
 - ii. The purchase price of the DSS replacement dwelling actually purchased and occupied by the displaced person.
- (g) Mixed-use and multifamily properties. If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, and/or is located on a tract larger than a site that is typical for residential purposes, only that portion of the acquisition payment that is actually attributable to the displacement dwelling will be considered its acquisition cost when computing the price differential.

- (h) 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.
- (i) Owner retention/salvage of displacement dwelling. If the owner retains ownership of, or obtains salvage rights to, the person's 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:
 - i. The cost of moving and restoring the dwelling to retain the functional utility it had when situated on the displacement site; and
 - ii. The cost of making the unit a DSS replacement; and
 - iii. The current fair market value for residential use of the replacement site (based on any reasonable evaluation method determined by the RTA), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and
 - iv. The retention/salvage value of the displacement dwelling, as determined from the acquisition of the displacement dwelling.
- (j) Owner constructs replacement dwelling. If the owner obtains a DSS replacement dwelling by contracting for or otherwise obtaining new construction, the purchase price of the replacement dwelling will be the sum of:
 - i. The cost necessary to construct a dwelling that is comparable to the displacement dwelling; and
 - ii. The current value for residential use of the replacement site (based on any reasonable evaluation method determined by the RTA), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site.

Increased mortgage interest costs.

- (k) The RTA will determine the factors to be used in computing the amount to be paid to a displaced person under Subsection (2)(b) of this section. The payment for increased mortgage interest costs will be the amount that will reduce the mortgage balance on a new mortgage to an amount that 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 one hundred eighty (180) days before the initiation of negotiations. Subparagraphs (b) through (e) of this subsection 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.

- (l) The payment will be based on the unpaid mortgage balance(s) on the displacement dwelling; however, in the event the person obtains a smaller mortgage than the mortgage balance(s) computed in the buydown determination the payment will be prorated and reduced accordingly.
In the case of a home equity loan the unpaid balance will be that balance that existed one hundred eighty (180) days before the initiation of negotiations or the balance on the date of acquisition, whichever is less.
- (m) 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.
- (n) 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.
- (o) Purchaser's points and loan origination or assumption fees, but not seller's points, will be paid to the extent:
 - i. They are not paid as incidental expenses;
 - ii. They do not exceed rates normal to similar real estate transactions in the area;
 - iii. The RTA determines them to be necessary; and
 - iv. 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 such mortgage balance under this section.

Notification. 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.

Incidental purchase expenses. The incidental purchase expenses to be paid for a one hundred eighty-(180) day homeowner-occupant (under Subsection (2)(c) of this section) or for down payment assistance (under Section 10.3) are those necessary and reasonable costs actually incurred by the displaced person incident to the purchase of a replacement dwelling, and customarily paid by the buyer, and are limited by such costs based on the cost of a comparable replacement dwelling pursuant to Section 10.3.a, including:

- (p) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.
- (q) Lender, FHA, or VA application and appraisal fees.
- (r) Loan origination or assumption fees that do not represent prepaid interest.

- (s) Certification of structural soundness and termite inspection when required.
- (t) Credit report.
- (u) Owner's and mortgagee's evidence of title, e.g., title insurance.
- (v) Escrow agent's fee.
- (w) State revenue or documentary stamps, sales or transfer taxes.
- (x) Such other costs that the RTA determines to be incidental to the purchase.

Rental assistance payment for one hundred eighty-(180) day homeowner. A one hundred eighty-(180) day homeowner-occupant who is eligible for a replacement housing payment under Subsection (1) of this section but elects to rent a replacement dwelling, is eligible for a rental assistance payment not to exceed five thousand, two hundred fifty dollars (\$5,250)¹¹, computed and disbursed in accordance with 10.2.a.

10.2. For tenants and others.

In addition to payments otherwise authorized by these Procedures, the RTA will make an additional payment to persons displaced from a dwelling who is 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 ninety 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 Section 10.2.a. The payment will consist of the amount necessary to enable the person to lease or rent for a period not to exceed forty-two (42) months, a comparable replacement dwelling, but not to exceed five thousand, two hundred (\$5,200).¹² The amount of the payment will be established as provided in Paragraph 1 below, and, in the case of ninety (90) day mobile home occupants, as supplemented by Sections 14.3 and 14.4.

a. Replacement housing payment for ninety (90) day occupants.

Entitlement. A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed five thousand two hundred fifty dollars¹³ for rental assistance, as computed in accordance with Subsection (2) of this section, or down payment assistance, as computed in accordance with Subsection (3) of this section, if such displaced person:

- (a) Has actually and lawfully occupied the displacement dwelling for at least ninety (90) days immediately before the initiation of negotiations; and
- (b) Has rented, or purchased, and occupied a DSS replacement dwelling within one year (unless the RTA extends this period for good cause) after:
 - i. For a tenant, the date the tenant moves from the displacement dwelling; or
 - ii. For an owner-occupant, the later of:
 - (A) The date the owner-occupant receives final payment for the displacing interest, or in the case of condemnation, the date the required amount is deposited with the court; or
 - (B) The date the owner-occupant moves from the displacement dwelling.

Rental assistance payment.

- (c) Amount of payment. An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed five thousand, two hundred fifty dollars (\$5,250)¹⁴ for rental assistance. (See also Section 10.3.b.) Such payment will be forty-two (42) times the amount obtained by subtracting the base monthly rent or the fair market rent (in accordance with (b) of this subsection) of the displacement dwelling for a reasonable period before displacement, as determined by the RTA, from the lesser of:
- i. The monthly rent and average monthly cost of utilities for a comparable replacement dwelling; or
 - ii. The monthly rent and estimated average monthly utilities for the DSS replacement dwelling actually occupied by the displaced person.
- (d) Base monthly rental for displacement dwelling. The base monthly rental for the displacement dwelling is the lesser of:
- i. The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period before displacement, as determined by the RTA. (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); or
 - ii. Thirty percent (30%) of the person's average gross household income. (If the person refuses to provide appropriate evidence of income or is a dependent, the base monthly rental will be established solely on the criteria in (b)(i) of this Subsection. A full time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise.)
 - iii. The total of the amounts designated for shelter and utilities if receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.
- (e) Manner of disbursement. A rental assistance payment may, at the RTA's discretion, be disbursed in either a lump sum or in installments. However, except as limited by Section 10.3.g., 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.

Down payment assistance payment.

- (f) 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 Subsection (2) of this section if the person rented a comparable replacement dwelling. At the discretion of the RTA, a down payment assistance payment may be increased to any amount not to exceed five thousand, two hundred fifty dollars (\$5,250).¹⁵

However, the payment to a displaced homeowner will not exceed the amount the owner would receive under Section 10.1.a, Paragraph 6 if he or she met the one hundred eighty-(180) day occupancy requirement. The RTA's discretion to provide the maximum payment will be exercised in a uniform and consistent manner, so those eligible displaced persons in like circumstances are treated equally. A displaced person eligible to receive a payment as a one hundred eighty (180) day owner-occupant under Section 10.1.a is not eligible for this payment.

(g) 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.

(h) Mobile Homes. (See Sections 14.2 and 14.3.)

10.3. 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.

Three-comparable method. 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. An adjustment will be made to the asking price of any dwelling, to the extent justified by local market data. An obviously overpriced or underpriced dwelling may be ignored.

Major exterior attribute. 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 replacement housing payment.

Remainder offer. 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, the RTA may offer to purchase the entire property. If the owner refuses to sell the remainder to the RTA, 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.

Location. Comparable replacement dwellings will be selected preferably from the neighborhood in which the displacement dwelling was located or, if not otherwise feasible, from nearby or similar neighborhoods where housing costs are generally the same as in the displacement neighborhood. Where that is not possible dwellings may be selected from neighborhoods where housing costs are the same or higher.

b. Applicability of last resort housing. Whenever a twenty-two thousand, five hundred dollar (\$22,500) replacement housing payment under Section 10.1.a or a five thousand, two hundred fifty dollar (\$5,250) replacement housing payment under Section 10.2.a would be insufficient to ensure that a comparable replacement dwelling is available on a timely basis to a person, the RTA will provide additional or alternative assistance under the last resort housing provisions in Section 15,

which may include increasing the replacement housing payment so that a replacement dwelling is within the displaced person's financial.

- c. Inspection of replacement dwelling. Before making a replacement housing payment or releasing a payment from escrow, the RTA or its designated representative will inspect the replacement dwelling and determine whether it is a DSS dwelling.
- d. Purchase of replacement dwelling. A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:

Purchases a dwelling; or

Purchases and rehabilitates a substandard dwelling; or

Relocates a dwelling that the person owns or purchases; or

Constructs a dwelling on a site the person owns or purchases; or

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

Currently owns a previously purchased dwelling and site, valuation of which will be on the basis of current value.

- e. 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 this section for a reason beyond the person's control, including:

A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the applicable federal funding agency; or

Another reason, such as a delay in the construction of the replacement dwelling, military reserve duty, or hospital stay, as determined by the RTA.

- f. Conversion of payment. A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under Section 10.2.a(2)(a), is eligible to receive a payment under Section 10.1(a) or Section 10.2.a(3)(a), if the person meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed one-year period. Any portion of the rental assistance payment that has been disbursed will be deducted from the payment computed under Section 10.1 or Section 10.2.a(3)(a).

- g. Payment after death. A replacement housing payment is personal to the displaced person and upon the person's death the undisbursed portion of any such payment will not be paid to the heirs or assigns, except that:

The amount attributable to the displaced person's period of actual occupancy of the replacement housing will be paid.

The full payment will be disbursed in any case in which a member of a displaced family dies and the other family member(s) continue to occupy a DSS replacement dwelling.

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.

11. RELOCATION ASSISTANCE

At the request of a displaced person, business, or farm operation, the RTA will provide relocation assistance advisory services, and may also provide relocation services to any person occupying property immediate adjacent to the property where the displacing activity occurs, if the RTA determines that the displacing activity is causing substantial economic injury to the adjacent property. 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.

11.1. Relocation advisory services.

The RTA's relocation assistance advisory services will include, but are not limited to, such measures, facilities, or services as may be necessary or appropriate to:

- a. Determine 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 person.
- b. 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 11.4.

As soon as feasible, the RTA 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 10.3.a and 10.3.b) and the basis for the determination, so that the person is aware of the maximum replacement housing payment for which the person may qualify.

Where feasible, housing will be inspected before being made available to assure that it meets applicable standards. If such an inspection is not made, the person to be displaced will be notified that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary (DSS).

Whenever possible, minority persons will be given reasonable opportunities to relocate to DSS replacement dwellings, not located in an area of minority concentration, that are within their financial means. This does not, however, require the RTA to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

All displaced persons, especially the elderly and handicapped, will be offered transportation to inspect housing to which they are referred.

- c. Provide current and continuing information on the availability, purchase prices, and rental costs of comparable and 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.
- d. 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.
- e. Supply persons to be displaced with appropriate information concerning federal and state housing programs, disaster loans and other programs administered by the Small Business Administration, and other federal, state, and local programs offering assistance to persons to be displaced.
- f. Any person who occupies property acquired by the RTA, 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 the RTA.

11.2. Aliens not lawfully present in the United States.

An alien not lawfully present in the United States is not eligible for relocation assistance under these Procedures, except as provided in Subsection 11.2.g below:

- a. Each person seeking relocation payments or relocation advisory assistance must, as a condition of eligibility, certify:

In the case of an individual, that he or she is either a citizen or national of the United States, or an alien who is lawfully present in the United States.

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.

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.

In the case of an incorporated business, farm, or non-profit organization, that the corporation is authorized to conduct business within the United States.

- b. The certification provided pursuant to Subsections 11.2.a(1)(2)(3) and (4) of this section must 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.
- c. In computing relocation payments under these procedures, 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 will be made to him or 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. The RTA will consider the certification provided pursuant to Subsection 11.2.a of this section to be valid unless the RTA determines in accordance with Subsection 11.2.f of this section that it is invalid based on a review of an alien's documentation or other information that the RTA considers reliable and appropriate.
- e. The RTA will review the certifications provided pursuant to Subsection 11.2.a of this section in a nondiscriminatory fashion and 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, the RTA 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:

If the RTA has reason to believe that the certification of a person who has certified that he or she is an alien lawfully present in the United States is invalid, the RTA will obtain verification of the alien's status from the local Immigration and Naturalization Service (INS) Office. Any request for INS verification will include the alien's full name, date of birth and alien number, and a copy of the alien's documentation.

If the RTA has reason to believe that the certification of a person who has certified that he or she is a citizen or national is invalid, the RTA 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 the RTA's satisfaction that the denial of relocation benefits 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 Subsection 11.2.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 the relocation payments and advisory assistance to such person will directly result in:

A significant and demonstrable adverse impact on the health or safety of such spouse, parent or child;

A significant and demonstrable adverse impact on the continuing existence of the family unit of which such spouse, parent, or child is a member; or

Any other impact that the RTA determines will have a significant and demonstrable adverse impact on such spouse, parent, or child.

- i. The certification referred to in Subsection 11.2.a of this section may be included as part of the claim for relocation payments described in Section 11.6.

11.3. Relocation notice and information.

- a. General Relocation Information Notice. As soon as feasible, the RTA will provide a person scheduled to be displaced with a copy of these Procedures, along with a general written description of the RTA's relocation Program. The written description will include at least the following:

Informs the person that the person may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s).

Informs the person that the person will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the person successfully relocate.

Informs the person that he or she will not be required to move without at least ninety (90) days' advance written notice (see Subparagraph (c) of this section), and informs any person to be displaced from a residential dwelling that the person cannot be required to move permanently unless at least one comparable replacement dwelling has been made available.

Describes the person's right to appeal the RTA's determination as to eligibility for, or the amount of, any relocation payment for which the person may be eligible under these Procedures.

Informs the person that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payment unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined in Section 11.2.h above.

- b. Notice of relocation eligibility:

Eligibility for relocation assistance will begin on the date of initiation of negotiations for the occupied property. When this occurs, the RTA will promptly provide written notice to all occupants to be displaced of their eligibility for applicable relocation assistance.

An occupant may subsequently be provided a notice of noneligibility if the RTA determines the person will not be displaced. Such notice may be issued only if the person has not moved and the RTA 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.

c. Ninety (90) day notice:

General. No lawful occupant will be required to move unless the occupant has received at least ninety (90) days advance written notice of the earliest date by which he or she may be required to move.

Timing of notice. The RTA may issue the notice ninety (90) days before it expects the person to be displaced or earlier. When possible the RTA will attempt to provide maximum notification time but in any event no less than ninety (90) days, except in case of urgent need(s).

Content of notice. The ninety (90) day notice will either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least thirty (30) days in advance, the specific date by which the occupant must move. If the ninety (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 ninety (90) days after such a dwelling is made available.

Urgent need. In unusual circumstances, an occupant may be required to vacate the property on less than ninety (90) days advance written notice if the RTA determines that a ninety (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 record of the RTA's determination will be included in the applicable case file.

11.4. Availability of comparable replacement dwelling before displacement.

No person to be displaced will be required to move from the person's dwelling unless at least one comparable replacement has been made available to the person.

- a. Policy. Three or more comparable replacement dwellings will be made available unless such dwellings are not available on the local housing market. When otherwise feasible, in accordance with Section 11.1.b, Paragraph 3 and Section 10.3.a, Paragraph 4, comparable replacement dwellings to be made available to minority persons may include dwellings not located in an area of minority concentration. A comparable replacement dwelling will be considered to have been made available to a person, if:

The person is informed of its location; and

The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and in order to meet the deadlines of the project, the RTA may, at the request of the displaced person, provide assistance in these negotiations.

Subject to reasonable safeguards, the person is assured of receiving the acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

- b. Circumstances permitting waiver. The applicable federal funding agency may grant a waiver of the policy in subparagraph a of this section in any case where it is demonstrated that a person must move because of:

A major disaster as defined in Section 102(c) of the Disaster Relief Act of 1974 (42 U.S.C. 5121); or

A Presidentially declared national emergency; or

Another emergency that 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 is required to relocate for a temporary period because of an emergency as described in Subparagraph b of this section, 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. The RTA will:

Take whatever steps are necessary to assure that the person is temporarily relocated to a sanitary dwelling; and

Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in monthly housing costs incurred in connection with the temporary relocation; and

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 dwellings.)

The person is entitled to be heard according to Section 13 in the event of a grievance.

11.5. Eviction for cause.

Eviction for cause must conform to applicable state and local law. Any person who has lawfully occupied the real property, but who is later evicted for cause on or after the date of the initiation of negotiations, retains the right to the relocation payments and other assistance set forth in these Procedures. Any person who occupies the real property and is not in lawful occupancy on the date of initiation of negotiations is presumed to be entitled to relocation payments and other assistance set forth in this Section 11 unless the RTA determines that:

- a. The person received an eviction notice before the initiation of negotiations and as a result of that notice is later evicted; or
- b. The person is evicted after the initiation of negotiations for serious or repeated violations of material terms of the lease and occupancy agreement; and
- c. 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 Section 11.

For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves or the date a comparable replacement dwelling is made available, whichever is later. This section applies only if the RTA had intended to displace the person.

11.6. Claims for relocation payments.

- a. Documentation. Any claim for a relocation payment must be supported by documentation reasonably necessary to support expenses incurred, such as, bills, certified prices, appraisals, or other evidence of such expenses. Payment for a low cost or uncomplicated move may be made without documentation of actual costs when payment is limited to the amount of the lowest acceptable bid or estimate obtained by the RTA. The RTA will provide a displaced person with reasonable assistance necessary to complete and file any required claim for payment.
- b. Expeditious payments. The RTA will review claims expeditiously. The RTA will promptly notify claimants 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. Advance payments. If a person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the RTA may issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.
- d. Time for filing. All claims for a relocation payment must be filed with the RTA within eighteen (18) months after:

For tenants, the date of displacement;

For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.

The RTA will waive this time period for good cause.

- e. 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 the RTA, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the RTA determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.
- f. Deductions from relocation payments: The RTA will deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. Similarly where such a deduction would not prevent the displaced person from obtaining a comparable replacement dwelling as required by Section 11.4 the RTA may deduct from relocation payments any rent that the displaced person owes the RTA. The RTA will not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.

- g. Notice of denial of claim. If the RTA 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.

11.7. Relocation planning.

The Project will be planned in such a manner that the problems associated with the displacement of individuals, families, businesses, farms, and non-profit organizations are recognized and solutions are developed to minimize the adverse impacts of displacement. Such planning, where appropriate, will precede any RTA action that 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:

- a. An estimate of the number of households to be displaced including information such as owner/tenant status, estimated value and rental rates of property to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, and the handicapped, when applicable.
- b. 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, consideration of housing of last resort actions should be instituted.
- c. An estimate of the number, types, and size of the businesses, farms, and non-profit organizations to be displaced and the approximate number of employees that may be affected.
- d. Consideration of any special relocation advisory services that may be necessary from the RTA and other cooperating agencies.

12. CHARACTERIZATION OF PAYMENTS

No payment received by a displaced person or business under these Procedures may be considered as income for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law for the purposes of any income tax or any tax imposed under Title 82 RCW and the payment will not be deducted from any amount to which any recipient would otherwise be entitled under Title 74 RCW. No 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, or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other federal law except for any federal law providing low-income housing assistance.

13. RELOCATION APPEALS PROCESS

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

13.1. Appealable Actions.

A person may file written notice of an appeal with the RTA in any case in which the person believes that the RTA 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.

13.2. Limitations.

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

13.3. Form of notice.

Appeals must be in writing. The RTA 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 or she is otherwise aggrieved. The letter or notice should clearly identify the RTA'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. The RTA 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 the RTA, which will not be less than four14 days.

13.4. Time limit for initiating appeal.

The time limit will be sixty (60) days after the person receives written notification of the RTA's determination on the person's claim.

13.5. Review of files by person making appeal.

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

13.6. Scope of appeal review.

In deciding an appeal, the RTA 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.

13.7. RTA official to review appeal.

The RTA Executive Director or his or 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.

13.8. Determination of notification.

Promptly after receipt of all information submitted by a person in support of an appeal, the RTA will make a written determination on the appeal, including an explanation of the basis on which the discussion was made, and furnish the person a copy. If the full relief requested is not granted the RTA will advise the person of his or her right to seek judicial review.

13.9. 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.

13.10. 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. MOBILE HOMES

14.1. General provisions.

This Section 14 describes the requirements governing the provision of relocation payments to a person displaced from a mobile home and/or mobile homesite who meets the basic eligibility requirements of these Procedures. Except as modified by Section 8.5 and this Section 14, such a displaced person is entitled to a moving expense payment in accordance with Section 8 and a replacement housing payment in accordance with Section 10 to the same extent and subject to the same requirements as persons displaced from conventional dwellings.

14.2. Replacement housing payment for one hundred eighty-day mobile home owner occupants.

A displaced owner-occupant of a mobile home is entitled to a replacement housing payment, not to exceed twenty-two thousand, five hundred dollars (\$22,500)¹⁶ under Section 10.1 if:

- a. The person both owned the displacement mobile home and occupied it on the displacement site for at least the one hundred eighty (180) days immediately before the initiation of negotiations;

- b. The person meets the other basic eligibility requirements in Section 10.1.a; and
- c. The RTA acquires the mobile home and/or mobile homesite or the mobile home is not acquired by the RTA but the owner is displaced from the mobile home because the RTA determines that the mobile home:

Is not and cannot economically be made decent, safe, and sanitary; or

Cannot be relocated without substantial damage or unreasonable cost; or

Cannot be relocated because there is no available comparable replacement site; or

Cannot be relocated because it does not meet mobile home park entrance requirements.

If the mobile home is not actually acquired, but the RTA determines that it is not practical to relocate it, the acquisition cost of the displacement dwelling used when computing the price differential amount, described in Section 10.1.a, will include the salvage value or trade-in value of the mobile home, whichever is higher.

14.3. Replacement housing payments for ninety-day mobile home occupants.

A displaced tenant or owner-occupant of a mobile home is eligible for a replacement housing payment, not to exceed five thousand, two hundred fifty dollars (\$5,250), under Section 10.2 if:¹⁷

- a. The person actually occupied the displacement mobile home on the displacement site for at least the ninety (90) days immediately before the initiation of negotiations;
- b. The person meets the other basic eligibility requirements in Section 10.2.a, paragraph 1; and
- c. The RTA acquires the mobile home and/or mobile homesite, or the mobile home is not acquired by the RTA but the owner or tenant is displaced from the mobile home because of one of the circumstances described in Section 14.2.c.

14.4. Additional rules governing relocation payment to mobile home occupants.

- a. Replacement housing payment based on dwelling and site. Both the mobile home and mobile homesite must be considered when computing a replacement housing payment. For example, a displaced mobile home occupant may have owned the displacement mobile home and rented the site or may have rented the displacement mobile home and owned the site. Also a person may elect to purchase a replacement mobile home and rent a replacement site, or rent a replacement mobile home and purchase a replacement site. In such cases, the total replacement housing payment will consist of a payment for a dwelling and a payment for a site; each computed under the applicable section in Sections 10.1 through 10.3. However, the total replacement housing payment under Sections 10.1 through 10.3 will not exceed the maximum payment (either twenty-two thousand, five hundred dollars

(\$22,500) or five thousand, two hundred fifty dollars (\$5,250) permitted under the subsection that governs the computation for the dwelling. (See also Section 10.3.b.)

b. Cost of comparable replacement dwelling.

If a comparable replacement mobile home is not available, the replacement housing payment will be computed on the basis of the reasonable cost of a conventional comparable replacement dwelling.

If the RTA determines that it would be practical to relocate the mobile home, but the owner-occupant elects not to do so, the RTA may determine that, for purposes of computing the price differential under Section 10.1.a, the cost of a comparable replacement dwelling is the sum of:

The value of the mobile home;

The cost of any necessary repairs or modifications; and

The estimated cost of moving the mobile home to a replacement site.

- c. Initiation of negotiations. If the mobile home is not actually acquired, but the occupant is considered displaced under these Procedures, "initiation of negotiations" is the date of initiation of negotiations to acquire the land, or, if the land is not acquired, the date of the written notification that the occupant is a displaced person under this section.
- d. Person moves mobile home. If the owner is reimbursed for the cost of moving the mobile home under this section, the owner is not eligible to receive a replacement housing payment to assist in purchasing or renting a replacement mobile home. The owner may, however, be eligible for assistance in purchasing or renting a replacement site.
- e. 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 the RTA determines that a mobile home located in the remaining part of the property must be moved as a direct result of the project, the owner and any tenant will be considered a displaced person who is entitled to relocation payments and other assistance under this section.
- f. General provisions. Section 10.1 also applies.

15. LAST RESORT HOUSING

15.1. Applicability.

- a. Basic determination to provide last resort housing. A person will not be required to move from the person's dwelling unless the RTA has made available to the person at least one comparable replacement dwelling. Whenever the RTA determines that a replacement housing payment under Sections 10.1 through 10.3 would not be

sufficient to provide a comparable replacement dwelling on a timely basis to the person, the RTA may take appropriate cost-effective measures this section to provide such a dwelling. The RTA's obligation to ensure that a comparable replacement dwelling is available will be met when such a dwelling, or assistance necessary to provide such a dwelling, is offered under the provisions of this Section 15.

b. Basic rights of persons to be displaced.

The provisions of this section do not deprive any displaced person of any rights the person may have under the Policy and Procedures. The RTA will not require any displaced person to accept a dwelling provided by the RTA under these Procedures (unless the RTA 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. A one hundred eighty (180) day homeowner-occupant who is eligible for a payment under Section 10.1 is entitled to a reasonable opportunity to purchase a comparable replacement dwelling.

The actual amount of assistance will be 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 the person is initially offered a comparable replacement dwelling, whichever is later.

The RTA is not required to provide persons owning only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the RTA would be required to provide such persons if they owned fee simple title to the displacement dwelling. If such assistance is not sufficient to buy a replacement dwelling, the RTA may provide additional purchase assistance or rental assistance.

15.2. Methods of providing replacement housing.

The RTA has broad latitude in implementing its last resort-housing program, but implementation will be on a reasonable cost-effective basis.

a. The methods of providing last resort housing include, but are not limited to:

Rehabilitation of and/or additions to an existing replacement dwelling.

The construction of a new replacement dwelling.

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.

A replacement housing payment in excess of the limits set forth in these sections. A rental assistance subsidy may be provided in installments or in a lump sum.

The relocation and, if necessary, rehabilitation of a dwelling.

The purchase of land and/or a replacement dwelling by the displacing RTA and subsequent sale or lease to, or exchange with, a displaced person.

The removal of barriers to the handicapped.

The change in status of the displaced person from tenant to homeowner when it is more cost-effective to do so, as in cases where a down payment may be less expensive than a last resort rental assistance payment.

- b. Under special circumstances, modified methods of providing housing of last resort permit consideration of:

Replacement housing based on space and physical characteristics different from those in the displacement dwelling.

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.

The financial means of a displaced person who is not eligible to receive a replacement housing payment because of failure to meet length-of-occupancy requirements when comparable replacement rental housing is not available at rental rates within thirty percent of the person's gross monthly household income.

16. 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 the RTA's files.

17. RECORDKEEPING

The RTA 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 3 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.

18. CONTRACTS FOR SERVICES

In order to prevent unnecessary expenses and delays, and to promote uniform and effective administration of the Program, the RTA may enter into contracts with any individual, firm, association, local public agency or state agency for services in connection with these Procedures or may carry out its functions under these Procedures through any state agency or local public agency having an established organization for conducting relocation assistance programs.

¹ 49CFR§24.102(c)

² WAC 468.100.102(f)(5)

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- ³ RCW 8.26.035(3), WAC 468-100-304(1), 49CFR§24.306(a)
⁴ WAC468-100-304(3), 49CFR§24.306(c)
⁵ WAC468-100-304(4), 49CFR§24.306(d)
⁶ WAC468-100-304(5), 49CFR§24.306(e)
⁷ WAC468-100-302, 49CFR§24.302
⁸ RCW8.26.035(d), WAC468-100-306, 49CFR§24.304
⁹ RCW8.26.045(1), WAC468-100-401(2), 49CFR§24.401(b)
¹⁰ WAC468-100-401(2), 49CFR§24.401(b)
¹¹ WAC468-100-401(6), 49CFR§24.401(f)
¹² RCW8.26.055(1), WAC468-100-402(1), 49CFR§24.402(a)
¹³ RCW8.26.055(1), WAC468-100-402(2)(a), 49CFR§24.402(b)
¹⁴ WAC468-100-402(2)(a), 49CFR§24.402(b)
¹⁵ WAC468-100-402(3)(a), 49CFR§24.402(c)
¹⁶ WAC468-100-401, 49CFR§24.503(a)
¹⁷ WAC468-100-504, 49CFR§24.504