



CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

RELOCATION RULES AND REGULATIONS

**RULES AND REGULATIONS FOR IMPLEMENTATION
OF THE UNIFORM RELOCATION & REAL PROPERTY
ACQUISITION POLICIES ACT OF 1970, AS AMENDED,
AND NEVADA REVISED STATUTES CHAPTER 342**

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SECTION I. GENERAL

1.1 Purpose

The purpose of these Rules and Regulations is to implement the Uniform Relocation & Real Property Acquisition Policies Act of 1970, as amended (the "URA") and Nevada Revised Statutes Chapter 342 ("NRS 342").

These Rules and Regulations are designed to carry out the policies of the URA and NRS 342 with respect to activities of the City of Las Vegas Redevelopment Agency (the "Agency"):

To ensure that uniform, fair and equitable treatment is afforded persons displaced from their homes or businesses as a result of the actions of the Agency, in order that such persons shall not suffer disproportionate injury as a result of action taken for the benefit of the public as a whole.

1.2 Authority

These Rules and Regulations have been adopted by resolution of the Agency and are in conformity with NRS 342 and Handbook 1378, entitled Tenant Assistance, Relocation and Real Property Acquisition, published by the United States Department of Housing & Urban Development (the "Guidelines").

1.3 Effective Date; Applicability

The effective date of these Rules and Regulations shall be the date of their adoption by the Agency. These Rules and Regulations shall be applicable to all displacement occurring after their adoption by the Agency.

In the event there are conflicts between these Rules and Regulations and the relocation and property acquisition state laws and guidelines and eminent domain laws as set forth in Nevada Revised Statutes (the "State Laws") as they currently exist or as they may be amended, the State Laws shall take precedence and City staff is authorized to automatically, without further approval of the Agency Board, amend these Rules and Regulations accordingly.

1.4 Extent of Relocation Payments

The Agency shall provide relocation assistance and shall make all of the relocation payments required by law, including the making of such payments for projects financed by the federal government. In addition, the Agency has sole discretion to decide whether the relocation benefits will be paid in an amount that exceeds the relocation payments required by law. Such payments shall be subject to the availability of funds for such purposes.

1.5 **Exception from Relocation Requirement**

The requirement to provide relocation assistance and benefits shall not apply to a purchase of real property which is offered for sale by the owner, property being sold at execution of foreclosure sale or property being sold pursuant to court order or under court supervision if the property in any of the foregoing situations is either occupied by the owner or is unoccupied and if the offer for sale is not induced by Agency disposition, planned condemnation or redevelopment of surrounding lands and if the sales price is fair market value or less, as determined by a qualified appraiser and if no federal funds are involved in the acquisition, construction or project development. "Offered for sale" means either advertised for sale in a publication of general circulation published at least once a week for two consecutive weeks or listed with a licensed real estate broker and/or published in a multiple listing service.

At the time of making the offer to acquire property under this Section, the Agency shall notify the property owner in writing, of the following:

- The Agency's plans for developing the property to be acquired or the surrounding property; and
- Any relocation assistance and benefits provided pursuant to law which the property owner may be foregoing.

1.6 **Priority of Federal Law**

The Agency shall not make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by these Rules and Regulations if the making of such payment or the payment in such amount is required under federal law, except that to the extent an obligation to provide relocation assistance and benefits imposed by State Law is not imposed by federal law, the State Law obligation to impose such obligation shall apply to such federally funded project.

1.7 **Severability**

If any provision of these Rules and Regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Rules and Regulations which can be given effect without the invalid provision or application and, to this end, the provisions of these Rules and Regulations are severable.

SECTION II. DEFINITIONS

2.1 Acquisition

“Acquisition” means obtaining ownership or possession of real property by purchase, eminent domain, or any other lawful means.

2.2 Adequate Replacement Dwelling

“Adequate replacement dwelling” means a dwelling which meets all of the criteria for a comparable replacement dwelling, except that with respect to the number of rooms, habitable living space and type of construction the dwelling need be only adequate, not comparable.

2.3 Agency

“Agency” means the City of Las Vegas Redevelopment Agency lawfully operating within the State of Nevada, a public body, corporate and politic, organized and existing under NRS Chapter 279 of the Community Redevelopment Law of the State of Nevada, and any agency staff, consultants, assigns, delegates and City Department staff who may be assigned the duties and responsibilities for implementing the URA and NRS 342 pursuant to these Rules and Regulations, or any entity acting on behalf of the Agency when acquiring real property, or any interest therein.

2.4 Appraisal

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

2.5 Average Annual Net Earnings

“Average annual net earnings” means one-half of any net earnings of a business before federal, state and local income taxes, during the two taxable years immediately preceding the taxable year in which such business moves from the real property being acquired, or during such other period as the Agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business to the owner, owner’s spouse or owner’s dependents during such period.

2.6 Average Monthly Income

“Average monthly income” means total annual gross income divided by twelve.

2.7 **Base Monthly Rental Housing Costs**

The base monthly rental housing cost for an acquired dwelling is the lesser of the average monthly housing cost (including utilities) for the three-month period prior to the initiation of negotiations and thirty percent (30%) of the displaced person's average gross monthly income. In the case of an owner-occupant or other person who does not pay rent, the Economic Rent is used instead of the average monthly rental in the above formula. Section 2.21 of these regulations defines Economic Rent.

2.8 **Business**

"Business" means any lawful activity, except a farm operation, conducted primarily:

- For the purchase, sale, lease or rental of personal and real property, and for the manufacture, processing or marketing of products, commodities or any other personal property;
- For the sale of services to the public;
- By a nonprofit organization;
- Solely for the purpose of Section VII of these Rules and Regulations, for assisting in the purchase, sale, resale, manufacturer, processing or marketing of products, commodities, personal property or services.

2.9 **Comparable Replacement Dwelling**

"Comparable replacement dwelling" means any dwelling that is all of the following:

- Decent, safe and sanitary;
- Adequate in size to accommodate the occupants;
- In the case of a displaced person who is a renter, within the financial means of the displaced person. A comparable replacement dwelling is within the financial means of a displaced person if the monthly rental cost of the dwelling minus any replacement housing payment available to the person does not exceed thirty percent (30%) of the person's average gross monthly income;
- Comparable with respect to the number of rooms, habitable space and type and quality of construction. Comparability under this paragraph shall not require strict adherence to a detailed, feature-by-feature comparison. While a comparable replacement dwelling

need not possess every feature of the displacement dwelling, the principal features shall be present;

- In an area not subjected to unreasonable adverse environmental conditions;
- In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.

If a dwelling which satisfies these standards is not available, the Agency may consider a dwelling which exceeds them.

2.10 **Condominium**

"Condominium" means a combination of co-ownership and ownership in severalty. It is an arrangement under which persons in a housing development hold full title to a one-family dwelling unit;

including an undivided interest in common areas and facilities and such restricted common areas and facilities as may be designated.

2.11 **Date of Acquisition**

The "date of acquisition" means the date on which the deed or other conveyance to the real property being acquired by the Agency within the project area is recorded in the Office of the County Recorder, County of Clark, or the date on which the Agency is entitled to possession of the real property pursuant to an order of the Eighth Judicial District Court in an eminent domain proceeding.

2.12 **Decent, Safe and Sanitary Housing**

"Decent, safe and sanitary housing" means a dwelling which meets all the following minimum requirements:

- Conforms with all applicable provisions for existing structures that have been constructed under state or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations.
- Has a continuing and adequate supply of potable water.
- Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition connected to hot and cold water and to an adequate sewage system. The kitchen or kitchen area

shall have utility service connections and adequate space for the installation of a stove and a refrigerator.

- Has an adequate heating system in good working order which will maintain a minimum temperature of 70 degrees in all habitable rooms.
- Has a bathroom, well-lit and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.
- Has an adequate, safe wiring system for lighting and other electrical services. Is structurally sound, weather tight, in good repair and adequately maintained,
- Has a safe unobstructed means of egress leading to safe open space at ground level which conforms to building and fire codes.
- Has at least one room which shall have not less than 150 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking or dining purposes and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries and unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

A decent, safe and sanitary sleeping room is one which includes the minimum requirements contained in this Section and at least 70 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant. When the term "decent, safe and sanitary" is interpreted under local, state or federal law as establishing a higher standard, the elements of that higher standard are incorporated herein.

A decent, safe and sanitary mobile home is one which conforms to the minimum requirements prescribed by Nevada Revised Statutes and rules and regulations promulgated pursuant thereto and bears the insignia of approval issued by the State of Nevada.

2.13 **Displaced Business**

"Displaced business," means any business which qualifies as a displaced person under Section 2.16 hereof.

2.14 **Displaced Farm Operation**

"Displaced farm operation," means any farm operation which qualifies as a displaced person under Section 2.16 hereof

2.15 **Director**

"Director" means that person in charge of any Agency that will be responsible for the displacement of any individual, family, business or nonprofit organization for a public use.

2.16 **Displaced Person**

"Displaced person" means all of the following:

a. Any person who moves from real property or who moves his or her personal property, either:

- As a direct result of a written notice of intent to acquire, or the acquisition of the real property, in whole or in part, for a program or project undertaken by the Agency or by any person having an agreement with or acting on behalf of the Agency.
- As a direct result of the rehabilitation, demolition or other displacing activity as the public entity may prescribe under a program or project undertaken by the Agency, of real property on which the person is a residential tenant or conducts a business or farm operation, in any case in which the Agency determines that the displacement is permanent.

For purposes of this subparagraph, "residential tenant" includes any occupant of a residential hotel unit and any occupant of employee housing, but shall not include any person who has been determined to be in unlawful occupancy of the displacement dwelling.

b. Solely for purposes of Sections III, IV, VI, VII, any person who moves from real property or moves his or her personal property from real property, either:

- As a direct result of a written notice of intent to acquire or the acquisition of other real property, in whole or in part, in which the

- person conducts a business or farm operation, for a program or project undertaken by the Agency; or
- As a direct result of the rehabilitation, demolition or other displacing activity as the Agency may prescribe under a program or project undertaken by the Agency, of other real property on which the person conducts a business or farm operation, in any case in which the Agency determines the displacement is permanent.

This definition shall be construed so that persons displaced as a result of public action receive relocation benefits in cases where they are displaced as a result of an owner participation agreement or an acquisition carried out by a private person for or in connection with a public use where the Agency is otherwise empowered to acquire the property to carry out the public use.

c. Except persons or families of low and moderate income who are occupants of housing which was made available to them on a permanent basis by a public entity and who are required to move from the housing, a "displaced person" shall not include the following:

- Any person who has been determined to be in unlawful occupancy of the displacement dwelling.
- Any person whose right of possession at the time of moving arose after the date of the Agency's acquisition of the real property.
- Any person who has occupied the real property for the purpose of obtaining assistance under these guidelines.
- In any case in which the public entity acquires property for a program or project (other than a person who was an occupant of the property at the time it was acquired), any person who occupies the property for a period subject to termination when the property is needed for the program or project.
- Additionally, a person who is temporarily displaced for not more than 180 days, and who is offered occupancy of a comparable replacement unit located within the same apartment complex that contains the unit from which he or she has been displaced, shall not be deemed a "displaced person" for the purposes of these Rules and Regulations. This exception shall apply only if all of the following conditions are complied with:
- All other financial benefits and services otherwise required under these Rules and Regulations are provided to the tenants temporarily displaced from their units.

- The resident is offered the right to return to his or her original unit, with rent for the first twelve (12) months subsequent to that return being the lower of the following:
- Up to five percent (5%) higher than the rent at the time of displacement; or
- Up to thirty percent (30%) of household income.
- The temporary unit is not unreasonably impacted by the effects of the construction, taking into consideration the ages and physical conditions of the members of the displaced household, and the estimated period of displacement is reasonable.
- The property is a qualified affordable housing preservation project. For the purposes of this exception, "apartment complex" means four or more residential rental units subject to common ownership and financing that are also located on the same or contiguous parcels; and "qualified affordable housing project" is any complex of four or more units whose owners enter into a recorded regulatory agreement, having a term for the useful life of the project, with any entity for the provision of project rehabilitation financing. For this purpose, the regulatory agreement shall require of the owner, and all successors and assigns of the owner, as long as the regulatory agreement is in effect, that at least forty-nine percent (49%) of the tenants in the project shall have, at the time of the recordation of the regulatory agreement required by this exception, incomes not in excess of sixty percent (60%) of the area median income, adjusted by household size, as determined by the appropriate agency of the State of Nevada. In addition, a project shall be defined as a qualified affordable housing preservation project only if the beneficiary or the regulatory agreement elects this designation by so indicating on the regulatory agreement.

2.17 **Displaced Resident**

"Displaced resident" means any individual or family occupant of a dwelling who qualifies as a displaced person under Section 2.16 hereof.

2.18 **Dwelling**

"Dwelling" means the place of permanent or customary and usual abode of a person, including a single-family building, a single-family unit in a two-family dwelling, multi-family or multi-purpose dwelling, a unit of a condominium or cooperative housing project, a non-housekeeping unit, a mobile home or any other residential unit which either is considered to be real property under State Law or cannot be moved without

substantial damage or unreasonable cost. A residence need not be decent, safe and sanitary to be a dwelling.

A second home shall be considered a dwelling only for the purpose of establishing eligibility for payment for moving and related expenses under Section VI of these Rules and Regulations.

2.19 **Economic Rent**

“Economic rent” means the amount of rent a tenant or homeowner would have to pay for a dwelling similar to the acquired dwelling in a comparable area.

2.20 **Elderly Household**

“Elderly household” means a household in which the head of household or spouse is sixty-two (62) years of age or older.

2.21 **Family**

“Family” means two or more individuals, one of whom is the head of household, plus all other individuals who by blood, marriage, adoption or mutual consent live together as a family unit.

2.22 **Farm Operation**

“Farm operation” means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

2.23 **Federal Project**

“Federal project” means any direct federal project or any project receiving federal financing assistance.

2.24 **Gross Income**

“Gross income” means the total annual income of an individual or, where a family is displaced, total annual income of the parents or adult heads of household, less the following:

- A deduction of Five Hundred and No 100ths Dollars (\$500.00) for each dependent in excess of three (3).

- A deduction of ten percent (10%) of total income for an elderly or handicapped household.
- A deduction for recurring, extraordinary medical expenses, defined for this purpose to mean medical expenses in excess of three percent (3%) of total income, where not compensated for or covered by insurance or other sources, such as public assistance or tort recovery.
- A deduction of reasonable amounts paid for the care of children or sick or incapacitated family members when determined to be necessary to employment of the head or spouse, except that the amount deducted shall not exceed the amount of income received by the person thus released.
- Gross income is divided by twelve to ascertain the average monthly income. Relocation and property acquisition payments are not to be considered income for determination of financial means.

2.25 **Handicapped Household**

“Handicapped household” means a household in which any member is handicapped or disabled.

2.26 **Initiation of Negotiations**

“Initiation of negotiations” means the initial written offer to purchase made by the Agency to the owner of the real property to be purchased, or to the owner’s representative.

2.27 **Last Resort Housing**

“Last resort housing” means comparable replacement dwellings provided by the Agency with its funds or funds authorized for the project because existing comparable replacement dwellings will not otherwise be available as needed.

Last resort housing as herein defined does not refer to “replacement dwelling unit” as that term is used and defined above.

2.28 **Mobile Home**

“Mobile home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. A self-propelled vehicle is not a mobile home.

2.29 **Mortgage**

Those classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, together with the credit instruments, if any, secured thereby including but not limited to deeds of trusts and land sales contracts.

2.30 **Nonprofit Organization**

"Nonprofit organization" means a corporation, partnership, individual or other public or private entity, engaged in a business, professional or institutional activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade or other tangible property for the carrying on of the business, profession or institutional activity on the premises.

2.31 **Ownership**

"Ownership" means holding any of the following interests in a dwelling, or a contract to purchase one of the first six (6) interests:

1. A fee title;
2. A life estate;
3. A fifty (50) year lease;
4. A lease with at least twenty (20) years to run from the date of acquisition of the property;
5. A proprietary interest in a cooperative housing project which includes the right to occupy a dwelling;
6. A proprietary interest in a mobile home;
7. A leasehold interest with an option to purchase.

In the case of one who has succeeded to any of the foregoing interest by devise, bequest, inheritance or operation of law, the tenure of ownership, but not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

2.32 **Person**

"Person" means any individual, family, partnership, corporation or association.

2.33 **Personal Property**

"Personal property" means tangible property which is situated on real property

vacated or to be vacated by a displaced person and which is considered personal property and is non-compensable (other than for moving expenses) under the eminent domain laws as set forth in the State Laws.

In the case of a tenant, personal property includes fixtures and equipment, and other property which may be characterized as real property under State Laws, but which the tenant may lawfully and at his election determine to move, and for which the tenant is not compensated in the real property acquisition.

In the case of an owner of real property, the determination as to whether an item of property is personal or real shall depend upon how it is identified in the closing or settlement statement with respect to the real property acquisition.

2.34 Post-Acquisition Tenant

“Post-acquisition tenant” means a tenant who lawfully commences to occupy property only after the Agency acquires it.

2.35 Prepaid Expenses

“Prepaid expenses” means items paid in advance by the seller of real property and pro-rated between such seller and the buyer of such real property at the close of escrow including, but not limited to, real property taxes, insurance, homeowners' association dues and assessment payment.

2.36 Public Use

“Public use” means a use for which real property may be acquired by eminent domain.

2.37 Relocation Appeals Board

“Relocation appeals board” means the relocation appeals board established within the City to respond to displaced grievances as required by law. The board shall consist of the Agency Executive Director, the Assistant City Manager and an attorney from the City Attorney's office.

2.38 Small Business

“Small business” means a business as defined in Part 24 of Title 49 of the Code of Federal Regulations.

2.39 Tenant

“Tenant” means a person who rents or is otherwise in lawful possession of a dwelling, including a sleeping room, which is owned by another.

SECTION III. RELOCATION ADVISORY ASSISTANCE

3.1 Advisory Assistance to be Provided by the Agency

Programs or projects undertaken by the Agency shall be planned in a manner that recognizes, at an early stage in the planning of the programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses and farm operations and provides for the resolution of these problems in order to minimize adverse impact on its relocation assistance of other displacing programs or activities which may be carried out in the same area. The Agency shall ensure the relocation assistance advisory services described in Section III are made available to all persons displaced by the Agency. In addition, the Agency may provide relocation advisory assistance to any person occupying property immediately adjacent to the real property acquired and whom the Agency determines is caused substantial economic injury because of the acquisition.

Notwithstanding Section 2.18, in any case in which the Agency acquires property for a program or project, any person who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project, shall be eligible for advisory services to the extent determined by the Agency.

The relocation advisory assistance to be provided by the Agency shall include such measures, facilities and/or services as may be necessary or appropriate in order to do all of the following:

- Fully inform eligible persons as to the availability of relocation benefits and assistance and the eligibility requirements therefor, as well as the procedures for obtaining such benefits and assistance;
- Determine and make timely recommendations on the needs and preferences, if any, of displaced persons for relocation assistance;
- Assure eligible displaced residents that within a reasonable period of time prior to displacement, to the extent that it can be reasonably accomplished, there will be available comparable replacement dwellings sufficient in number and kind for and available to such eligible residents;
- Provide current and continuing information on the availability, prices and rentals of comparable sales and rental housing, and comparable commercial properties and locations and security deposits, closing costs, typical down payments, interest rates and terms for residential property in the area;

- Assist each eligible, displaced person to complete applications for payments and benefits;
- Assist each eligible, displaced resident to obtain and move to a comparable replacement dwelling;
- Assist each eligible, displaced business in obtaining and becoming established in a suitable replacement location with a minimum of delay and loss of earnings;
- Provide any services required to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, ancestry, national origin, sex, marital status or other arbitrary circumstance. Such relocation process shall satisfy the requirements of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the United States Civil Rights Act and the Nevada Fair Housing Law;
- Supply to eligible persons information concerning federal and state housing programs, disaster loan and other programs administered by the Small Business Administration, and other federal or state programs offering assistance to displaced persons;
- Provide other advisory assistance to eligible persons to minimize their hardships, such as counseling and referrals with regard to housing, financing, employment, training, health and welfare;
- Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project.

3.2 Information Program

a. General Information

The Agency shall establish and maintain an information program utilizing meetings, newsletters and other mechanisms, including local media, available to all persons, for keeping occupants of the property which the Agency is acquiring informed on a continuing basis about its relocation program. The criterion for selecting among various alternative mechanisms shall be the likelihood of actually communicating information to such persons. Legal publications, legal ads in local newspapers of general circulation and similar means are inadequate if they are likely to go unnoticed.

b. Personal Contact

As soon as practicable, following the initiation of negotiations to acquire a parcel of real property, the Agency shall contact each eligible person occupying such property to carefully explain and discuss fully with such person the extent of relocation payments and assistance that may be made available by the Agency. Such contact shall be direct and personal except where repeated efforts indicate that such contact is not possible. Such contact may be made at the time and as part of the interview to ascertain relocation needs conducted pursuant to Section 3.3. All persons shall be advised and encouraged to visit the Agency's relocation office for information and assistance. The Agency shall maintain personal contacts with occupants of the property to the maximum extent practicable.

c. Payment After Death

A replacement housing payment is personal to the displaced person, and upon his death, the undistributed portion of any such payment shall not be paid to his heirs or assigns, except that:

- The cost attributable to the displaced person's actual occupancy of the replacement housing shall be paid;
- The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family members continue to occupy the replacement dwelling selected in accordance with the regulations in this part;
- That portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a dwelling by, or on behalf of, a deceased person shall be disbursed to the estate;
- Costs incurred for an actual move conducted by a professional moving company; and
- Rental charges incurred prior to receipt of relocation benefits.

d. Information Statement for Relocation Assistance

Within fifteen (15) days of the initiation of negotiations to acquire a parcel of real property or interest therein, the Agency shall provide each occupant of such property with a written statement containing the following information:

- A general description of the nature and types of activities that will be undertaken and identification of the displacement area involved, including a diagrammatic sketch of such area;

- A statement that Agency action may result in displacement, but that no person lawfully occupying the real property will be required to move without at least ninety (90) days written notice from the Agency and until ninety (90) days after the provision of information;
- A statement to residents that families and individuals will not be required to move from their dwellings before the Agency has provided them with at least one (1) written referral to decent, safe and sanitary, comparable replacement housing, except under the limited circumstances provided for in Section 12.3 of these Rules and Regulations;
- A general description of types of relocation payments available, including general eligibility criteria and a caution against premature moves that may jeopardize eligibility for relocation assistance and payments.
- Identification of the Agency's relocation program and a description of relocation services and aids that will be available;
- Information to residents on replacement dwellings, including:
 - A brief description of what constitutes a replacement dwelling, including physical standards;
 - A layman's description of applicable federal, state and local fair housing laws;
- A statement that the Agency will identify available comparable replacement dwellings and will provide assistance to persons in obtaining housing of their choice, including assistance in referring complaints of discrimination to the appropriate federal, state or local fair housing enforcement agency;
- A statement that persons may seek their own housing accommodations, and urging them, if they do so, to notify the Agency prior to making a commitment to purchase or occupy the property.
- A statement to businesses that the Agency will provide every possible assistance in locating relocation accommodations, including consultation with the Small Business Administration and other governmental agencies which might be of assistance;
- A statement to businesses describing the requirement for prior notification to the Agency of the business concern's intention to

move;

- A summary of the Agency's eviction policy;
- A statement describing the Agency's grievance procedure, its purpose and how it may be used;
- Any additional information that the Agency believes would be helpful. Where appropriate, separate information statements shall be prepared for residential and non-residential occupants.

e. **Notice of Eligibility Status**

In addition to disseminating general information of the type described in Sections 3.2 and 3.3, the Agency shall provide each occupant of the property with individual, written notification of their eligibility status as soon as it has been established.

f. **Language of Information Material**

Information material shall be prepared in the language(s) most easily understood by the recipients. In displacement areas where there are significant concentrations of persons who do not read, write or understand English fluently, the native language of the people should be used and all informational material should be provided in the native language(s) and English.

g. **Method of Delivery of Informational Material**

To assure receipt of the informational material, the Agency shall arrange to have the material either hand delivered to each occupant of the property with a request for a written receipt, or sent by certified mail, return receipt requested.

3.3 **Determination of Relocation Needs**

a. **Interviews**

Immediately following the initiation of negotiations to acquire a parcel of real property, the Agency shall interview each eligible person occupying such property to obtain information upon which to plan for housing and other accommodations, as well as counseling and assistance needs.

The interview shall be by direct, personal contact, except where repeated efforts indicate that such contact is not possible. The Agency shall carefully explain and discuss fully with each person interviewed the purpose of the interview.

When a person cannot be interviewed or the interview does not produce the information to be obtained, reasonable efforts shall be made to obtain the information by other means.

1. **Information to be Obtained from Residential Owner Occupants or Tenants**

The Agency shall endeavor to obtain the following information from eligible persons:

- Income;
- Whether any household member is elderly or handicapped;
- Size and composition of family;
- Age of children;
- Location of job(s) and factors limiting accessibility;
- Area of preferred relocation;
- Type of unit preferred;
- Preference to buy or rent replacement dwelling;
- Need for social and public services, special schools and other services;
- Eligibility for publicly assisted housing;

With reference to the present dwelling:

- The rent;
- Type and quality of construction;
- Number of rooms and bedrooms;
- Amount of habitable living space;
- Location factors including, among others, public utilities, public and commercial facilities (including transportation and schools) and
- Such other matters that concern a household as its members contemplate relocation.

2. **Coordination with Other Agencies**

To avoid duplication of efforts and to ensure that necessary information is available at the appropriate time, the Agency shall coordinate its interview activities with the survey activities, if any, of other agencies. Gathering data necessary for social service referrals should be planned in cooperation with social service agencies.

3. **Interview After Person Moves Without Notice**

If the Agency fails to conduct the required interview of any eligible person in a timely and effective manner, the Agency shall make every reasonable effort to identify, locate and interview such person who has moved so that his relocation needs can be determined.

b. **Relocation Records**

Based on information obtained during interviews and from other sources as applicable, the Agency shall prepare and maintain an accurate relocation record for each person to be displaced. The record shall contain a description of the pertinent characteristics of the persons to be displaced and the assistance deemed to be necessary. A displaced person (or any person authorized in writing by such person) shall have the right to inspect such documents containing information relating to him to the extent and in the manner provided by law.

c. **Updating Information**

Information pertaining to the relocation needs of eligible persons occupying each parcel of real property with respect to which the Agency has initiated negotiations for acquisition shall be updated at least annually. Eligible persons shall be encouraged to bring any change in their needs to the attention of the Agency.

3.4 **Relocation Site Office**

The Agency may, as it deems necessary, establish a site office, which is accessible to all area residents, and businesses that may be displaced to provide relocation assistance. Any such office shall be staffed with trained and/or experienced relocation personnel. Office hours shall be scheduled to accommodate persons unable to visit the office during normal business hours. The Agency may also make provision for meeting with displaced persons in their homes or places of business.

3.5 Contracting for Relocation Services

The Agency may enter into a contract with any individual, firm, association, corporation or governmental agency having an established organization for conducting relocation assistance programs, for the purpose of providing relocation advisory assistance.

3.6 Coordination of Relocation Assistance

The Agency shall coordinate its relocation assistance program with other work necessitating displacement of persons, and with activities of other public entities in the City or nearby areas, for the purpose of planning relocation activities and coordinating the availability of replacement dwelling resources in the implementation of the Agency's relocation assistance program.

SECTION IV. RELOCATION PLANS

4.1 Overall Relocation Plan

Since the Agency's actions will only result in an insignificant amount of non-residential displacement, the Agency is not required to prepare an Overall Relocation Plan.

4.2 Special Relocation Plans

As soon as possible following the initiation of negotiations and prior to proceeding with any phase of a project or other activity that will result in displacement, the Agency shall prepare a Specific Relocation Plan and submit it for approval to the governing board of the Agency.

4.3 Method of Providing Last Resort Housing

If the Agency determines to use its funds, or the funds authorized for the project to provide last resort housing, the Agency shall prepare a plan for producing such last resort housing.

The Agency may consult or contract with the City of Las Vegas Housing Authority or other agencies or organizations having experience in the administration or conduct of housing programs to provide technical assistance and advice in the development of the Relocation Plan for last resort housing.

SECTION V. ASSURANCE OF COMPARABLE REPLACEMENT DWELLINGS

5.1 General Requirement

No displaced resident shall be required to move from his dwelling unless, within a reasonable period of time prior to displacement, a comparable replacement dwelling is available to him. The Agency shall assure that, within a reasonable period of time prior to displacement, to the extent that it can be reasonably accomplished, there will be available comparable replacement dwellings equal in number to the number of displaced residents who require such dwellings. In any event, permanent comparable replacement dwellings shall be made available within three (3) years from the time residents are displaced and pending the development of such facilities there shall be available to such displaced residents adequate temporary housing facilities. In the event permanent comparable housing facilities are not available at the time of displacement, the Agency may relocate persons to temporary replacement housing, provided that permanent replacement housing is made available within twelve (12) months of the date of the temporary move.

5.2 Procedures for Identifying Comparable Replacement Dwellings

a. Survey of Available Replacement Dwellings

Within ninety (90) days of the initiation of negotiations to acquire a parcel of real property, the Agency shall initiate a survey of available comparable replacement dwellings. If a recent survey that provides the information identified in Section 5.2 is not available, the Agency shall conduct a survey of the housing market. If a recent survey is available, but it does not reflect more recent, significant changes in housing market conditions, the survey shall be updated or it shall not be relied upon. In the event of delay in carrying out the implementation activity to which the survey pertains, the survey shall be updated at least annually.

b. Information to be Obtained

1. Survey Area

The survey area shall be reasonably related to the displacement area and to the needs and preferences of the persons to be displaced. The survey area shall have specific, relevant characteristics for comparable replacement dwellings which equal or exceed those of the neighborhood from which persons are to be displaced.

2. Gross Number of Comparable Replacement Dwellings

i. General Standard

Only dwelling units which satisfy the standards of comparable replacement dwellings, including locational criteria, shall be counted as a comparable replacement housing resource.

ii. **Uncompleted New Construction or Rehabilitation**

Uncompleted new construction or rehabilitation shall only be counted toward the gross number of comparable replacement dwellings if there is a substantial likelihood that the dwelling units will be available when needed and at housing prices or rental costs within the financial means of the prospective occupants.

iii. **Public Housing**

Public housing, as defined pursuant to Nevada Revised Statutes 315.021, shall only be counted toward the gross number of comparable replacement dwellings if it reasonably can be established that:

- The dwelling units will be available when needed;
- The governmental body providing the subsidy has made, in writing, a reasonably binding commitment of assistance;
- The dwelling units have been inspected and determined to be decent, safe and sanitary and the income ceilings, rent ranges and age restrictions, if any, have been considered;
- The number of dwelling units available in the City exceeds the number of households in need of the dwelling units; provided, however, that this requirement may be waived if:
- The Agency or another public entity undertakes to provide such public housing specifically as a relocation resource; or
- The Agency establishes that such public housing will be replaced by last resort housing within two (2) years. To establish that last resort housing will be developed as required, the Agency must have site control with permissive zoning, preliminary plans and conditional commitments for subsidy and financing, or the equivalent, and must identify ownership;
- With respect to uncompleted new construction or rehabilitation, such publicly subsidized dwelling units are being subsidized to provide relocation resources.

3. Adjustment for Concurrent Displacement

The gross number of comparable replacement dwellings in the survey area shall be discounted to reflect concurrent displacement by the federal government and its agencies, including federally assisted projects, as well as displacement by other public entities within the survey area.

c. Review of Survey Results

When more than twenty-five (25) households will be displaced, results of the survey of comparable replacement dwellings shall be submitted for review to local housing, development and planning agencies and shall be compared to other existing information on housing.

Notwithstanding the results of the survey of comparable replacement dwellings, if the demand for housing is such that there are no vacancies other than those permitted by turnover, the Agency may proceed to displace residents from dwellings, but only to the extent that the Agency obtains referrals of comparable replacement dwellings for such residents in accordance with the provisions of Section 5.3.

5.3 Referrals to Comparable Replacement Housing

The Agency shall obtain at least one referral to comparable replacement housing for each displaced resident. The Agency shall endeavor to provide additional referrals to comparable replacement housing, as available and appropriate. Such referrals shall be in writing, in a language understood by the displaced resident.

The Agency's obligation to obtain a comparable replacement dwelling for any displaced resident shall be deemed to be satisfied if such resident is offered and refuses, without justification, the specifically identified comparable replacement dwellings provided for in this Section.

5.4 Temporary Move

a. Use of Temporary Replacement Housing

The Agency may relocate displaced residents to temporary replacement housing under the conditions provided in this Section. Such housing shall meet the standards of an adequate replacement dwelling.

The Agency shall minimize, to the greatest extent feasible, the use of temporary replacement housing. Temporary replacement housing may be used, among other appropriate times, when a project plan anticipates moving individuals back into completed project accommodations.

b. Relocation Assistance and Payments

The Agency shall provide displaced residents who move to temporary replacement housing with relocation assistance, services and benefits designed to achieve permanent relocation of such residents into comparable replacement dwellings.

c. Assurances Prior to Temporary Move

Prior to any temporary move, the Agency shall determine and provide written assurance to each displaced resident that:

- Referral to comparable replacement housing will be made at the earliest possible time;
- Comparable replacement dwellings will be made available on a priority basis, to the individual or family who has been temporarily rehoused;
- The move to temporary replacement housing will not affect a claimant's eligibility for a replacement housing payment nor deprive him of the same choice of replacement dwelling units that would have been made available had the temporary move not been made and the costs of a temporary move will not be considered as all or a part of relocation payments to which a displaced resident is entitled;
- If a project plan anticipates moves back into housing accommodations in the project area, the resident who has been temporarily displaced will be given priority opportunity to obtain such housing accommodations;
- The Agency will pay all costs in connection with the move to temporary replacement housing, including increased housing costs.

5.5 Provision of Last Resort Housing

a. Authorization Methods

If comparable replacement dwellings are not available and the Agency determines that such housing cannot otherwise be made available, the Agency shall use funds authorized for the project for which the real property, or interest thereof is being acquired to provide such housing.

The Agency may expend funds and take such other actions as necessary to provide, rehabilitate or construct last resort housing pursuant to an approved plan for last resort housing through methods including but not limited to the following:

- Transfer of funds to state and local housing agencies;
- Contract with organizations experienced in the development of housing;
- Direct development, rehabilitation or construction by the Agency;
- Finance development, rehabilitation or construction by the Agency;
- Provide housing subsidies as permitted by law.

Whenever practicable, the Agency shall utilize the services of federal, State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing programs. Where several agencies are administering programs resulting in residential displacement, opportunities shall be sought for joint development and financing to aggregate resources in order to most efficiently provide last resort housing in sufficient quantity to satisfy the aggregate needs of such programs.

b. Nondiscrimination; Affirmative Action

All contracts and subcontracts for the construction, rehabilitation or management of last resort housing shall be let without discrimination as to race, color, religion, ancestry, national origin, sex, marital status, other arbitrary circumstance and pursuant to an affirmative action program. The Agency will encourage participation by minority persons in all levels of construction, rehabilitation, planning, financing and management of last resort housing. When the housing will be located in areas of minority concentration, the Agency will utilize its reasonable best efforts to seek to secure significant participation of minorities in these activities. The Agency will require that, to the greatest extent reasonably feasible, opportunities for training and employment arising in connection with the planning, construction, rehabilitation and operation of last resort housing be given to persons of low income residing in the area of such housing and will determine and implement means to secure the participation of small businesses in the performance of contracts for such work.

c. Conformity with Statutes and Regulations

The provision of last resort housing by the Agency shall be in accordance with the provisions of Section 1 of the Civil Rights Act of 1966, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1988, the U.S. Civil Rights Act, the Nevada Fair Housing Law, and regulations issued pursuant thereto.

d. **Monitoring Housing Production**

The Agency shall monitor the production of the last resort housing to ensure that it is in accordance with the plan for last resort housing approved by the Agency.

e. **Retention of Benefits Upon Move to Last Resort Housing**

The Agency shall not require a displaced resident to accept last resort housing in lieu of the displaced resident's acquisition payment, if any, for the real property from which he is displaced or the relocation payments for which he may be eligible.

5.6 **Move to Substandard Dwelling Unit**

The Agency shall inspect each replacement dwelling prior to the time a displaced resident occupies it. The Agency shall not induce or encourage a displaced resident to acquire a dwelling which does not satisfy the standards of a comparable replacement dwelling.

If a displaced resident occupies a dwelling unit to which he is referred by the Agency and the dwelling unit does not satisfy the standard of a comparable replacement dwelling, the Agency shall offer to locate such a dwelling for the displaced resident and to pay again all moving and related expenses.

If a displaced resident chooses not to move from a substandard dwelling unit he has occupied, the displaced resident shall nevertheless be eligible to receive relocation assistance and payments if one of the following conditions is met:

- If he occupied the substandard dwelling unit following referral by the Agency; or
- If the rental or purchase of the substandard dwelling unit is the result of the Agency's failure to identify a reasonable number of comparable replacement dwellings; or
- If the purchase of the substandard dwelling unit is not the result of the Agency's referral or failure to refer, where the substandard dwelling unit is brought into compliance with the decent, safe and sanitary standard.

In the event the condition met is the third condition, any replacement housing payment shall be limited to the amount that would be provided in connection with the purchase of a similar, comparable replacement dwelling, or the sum of the actual costs of acquisition (including incidental expenses) and rehabilitation, whichever is less.

5.7 **Waiver of Requirement for Replacement Dwelling Prior to Displacement**

When immediate possession of the real property is of crucial importance and one of the following circumstances exists, the Agency may require an eligible displaced resident to move from his dwelling before a comparable replacement dwelling or temporary adequate replacement dwelling is available.

- When displacement is necessitated by a major disaster as defined in Section 102(2) of the "Disaster Relief Act of 1974";
- During periods of declared national or state emergency;
- When such other extraordinary or emergency situations occur where immediate possession of real property is of crucial importance.

Any waiver of the requirement for replacement dwellings prior to displacement shall be supported by appropriate findings and a determination of the necessity for the waiver.

SECTION VI. RELOCATION PAYMENTS TO DISPLACED RESIDENTS

6.1 **Payments Required**

The Agency shall compensate a displaced resident for the expenses described in Section VI. A displaced resident who lawfully resides on his business property may be eligible for both the payments described in this Section and the payments to a displaced business provided under Section VII. A person who moves from his dwelling or who moves his personal property therefrom because he is displaced by the Agency from other real property on which he conducts a business shall be eligible only for Actual Reasonable Moving Expenses or an "In Lieu" Payment.

6.2 **Actual Reasonable Moving Expenses**

A displaced resident shall be compensated for the actual reasonable expenses incurred in moving himself and his family, including moving personal property. In all cases, the amount of a payment shall not exceed the reasonable cost of accomplishing the activity in connection with which a claim has been filed.

The moving and related expenses for which claims may be filed shall include:

- Transportation of persons and property not to exceed a distance of fifty (50) miles from the site from which the resident was displaced, except where the Agency determines that relocation beyond fifty (50) miles is justified;
- Packing, crating, unpacking and uncrating personal property;
- Such storage of personal property, for a period generally not to exceed twelve (12) months, as determined by the Agency to be necessary in connection with relocation;
- Insurance of personal property while in storage or transit;
- The reasonable replacement value of property lost, stolen or damaged (not through the fault of the displaced resident, his agent or employee) in the process of moving, where insurance covering such loss, theft or damage is not reasonably available;
- Cost of disconnecting, disassembling, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property not acquired by the Agency, including connection charges imposed by public utilities for starting utility service.

6.3 **Alternate Payments**

A displaced resident who is eligible for a payment for actual reasonable moving expenses may elect to receive, and shall be paid, in lieu of such payment, a moving expense and dislocation allowance which shall be determined according to a schedule established by the Agency. The schedule shall be consistent with the residential moving expense and dislocation allowance payment schedule established by Part 24 of Title 49 of the Code of Federal Regulations.

6.4 **Replacement Housing Payments for Displaced Homeowners**

a. **Amount of Payment**

The Agency shall make to a displaced resident who meets the eligibility requirements of Section 6.4.b. a payment not to exceed a combined total of \$22,500, for:

- The amount, if any, which when added to the acquisition cost of the dwelling acquired for the project equals the reasonable cost of a comparable replacement dwelling. This amount shall not exceed the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling;

- The amount, if any, to compensate the displaced resident for any increased interest cost he is required to pay for financing the acquisition of a replacement dwelling. The payment shall not be made unless the dwelling acquired by the Agency was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than one hundred eighty (180) days prior to the initiation of negotiations for acquisition of such dwelling. (This time requirement may be modified in accordance with the provisions of Section 6.4.b. below);
- Reasonable expenses incurred by the displaced resident incident to the purchase of the replacement dwelling, but not including prepaid expenses;
- The cost of rehabilitating a dwelling which does not satisfy the decent, safe and sanitary standard.

b. Eligibility

A displaced resident is eligible for a replacement housing payment if such person satisfies the following conditions:

- Is displaced from a dwelling that is acquired;
- Has actually owned and occupied the dwelling from which he is displaced as a permanent or customary and usual place of abode for not less than one hundred eighty (180) days prior to the initiation of negotiations for acquisition of such dwelling. If an owner satisfies all but the one hundred eighty (180) day requirement and can establish to the satisfaction of the Agency that he bought the dwelling with the intention of making it his place of residence, that the move was not motivated by a desire to receive relocation assistance and benefits and that he neither knew nor should have known that public acquisition was intended, the Agency may reduce the requirement as necessary;
- Purchases and occupies a replacement dwelling within one (1) year subsequent to the date on which he received final payment from the Agency for all costs of the acquired dwelling or the date on which he moved from the acquired dwelling, whichever is later. Where, for reasons beyond the control of the displaced resident, completion of construction, rehabilitation or relocation of a replacement dwelling is delayed beyond the date by which occupancy is required, the Agency shall determine the date of occupancy as the date the displaced resident enters into a contract for such construction, rehabilitation or relocation or for the purchase, upon completion, of a dwelling to be constructed or rehabilitated if, in fact, the displaced resident occupies the

replacement dwelling when the construction or rehabilitation is completed. Where, for reasons of hardship or circumstances beyond the control of the displaced resident, such person is unable to occupy the replacement dwelling by the required date, the Agency may extend the deadline as necessary. If by the deadline the displaced person has contracted to purchase a replacement dwelling, the Agency will extend the deadline to the extent reasonable. No person otherwise eligible for payment shall be denied such eligibility as a result of being unable, because of a major state or national disaster, to meet the occupancy requirements contained herein.

c. Computation of Replacement Housing Payment

1. Reasonable Cost of Comparable Replacement Dwelling

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

- Comparative Method. On a case by case basis by determining the listing price of dwellings which have been selected by the Agency and which are most representative of the acquired dwelling unit and meet the definition of a comparable replacement dwelling. Whenever possible, the listing price of at least three dwellings shall be considered; or
- Schedule Method. Where the Agency determines the comparative method is not feasible, it may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings. The Agency shall cooperate with other entities causing displacement in the area to establish a uniform schedule. The schedule shall be based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban areas, the analysis may be confined to the sub-area from which persons are displaced or may cover several different sub-areas if they satisfy or exceed the criteria for a comparable replacement dwelling. To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of bedrooms and price ranges; or
- Alternative Method. Where the Agency determines that neither the schedule nor comparative method is feasible in a given situation, by the use of another reasonable method selected by the Agency.

Whichever method is selected, the cost shall be updated to within three months of the date of purchase of the replacement dwelling.

2. Increased Interest Cost

Increased interest cost shall be equal to the discounted present value of the difference between the aggregate interest applicable to the amount of the principal of the mortgage on the acquired dwelling over its remaining term at the time of acquisition, and other debt service costs, and the aggregate interest paid on the mortgage on a replacement dwelling, and other debt service costs. The term and amount of the mortgage on the replacement dwelling for the purposes of this Section shall be the lesser of the remaining term and amount of the mortgage on the acquired dwelling, or the actual term and amount of the mortgage on the replacement dwelling. The amount of the debt service cost with respect to the replacement dwelling shall be the lesser of the debt service cost based on the cost required for a comparable replacement dwelling, or the debt service cost based on the actual cost of the replacement dwelling.

Prepaid interest or "points" shall be considered in the determination of the aggregate interest.

In calculating the amount of compensation, increased interest cost shall be reduced to discounted present value using the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

3. Expenses Incidental to the Purchase of the Replacement Dwelling

The replacement housing payment shall include the amount necessary to reimburse the displaced resident for actual costs incurred by him incident to the purchase of the replacement dwelling, including but not limited to the following:

- Legal, closing and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plans and charges paid incident to recordation;
- Lender, FHA, VA or similar appraisal costs;
- FHA, VA, or similar application fee;
- Cost for certification of structural soundness;
- Credit report charges;
- Charge for owner's and mortgagee's evidence of assurance of title;
- Escrow agents fee;
- Sales and transfer taxes.

Payment for any such expenses shall not exceed the amount attributable to the purchase of a replacement dwelling. Such expenses shall be reasonable and legally required or customary in the State of Nevada.

Reimbursement shall not be made under the provisions of this Section for any fee, cost, charge or expense which is determined to be a part of the debt service or finance charge under Title I of the Truth in Lending Act and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System. Any such sum should be considered in the determination of increased interest cost.

d. Multi-Family Dwelling

In the case of a displaced homeowner who is required to move from a one-family unit of a multi-family building which he owns, the replacement housing payment shall be based on the cost of a comparable one-family unit in a multifamily building of approximately the same density or, if that is not available in a building of the next less density, or, if a comparable one-family unit in such a multi-family building is not available, the cost of any otherwise comparable single-family structure.

e. Homeowner Retention of Dwelling

If a displaced homeowner elects to retain, move and occupy his dwelling, the amount payable as the replacement housing payment is the difference between the acquisition price of the acquired property and the sum of the moving and restoration expenses, the cost of correcting decent, safe and sanitary deficiencies, if any, and the actual purchase price of a comparable relocation site. The payment shall not exceed the amount of the replacement housing payment to which the homeowner would otherwise be entitled.

f. Lease of Condominium

For the purpose of this Section, the leasing of a condominium for a ninety-nine (99) year period, or for a term which exceeds the life expectancy of the displaced resident as determined by the most recent life tables in Vital Statistics of the United States, as published by the Public Health Service of the Department of Health, Education and Welfare or successor acceptable index, shall be deemed a purchase of the condominium.

6.5 Replacement Housing Payments for Tenants and Certain Others

a. Amount of Payment

The Agency shall make to a displaced resident who meets the eligibility requirements of Section 6.5.b. a payment not to exceed Five Thousand Two Hundred Fifty and No/100ths Dollars (\$5,250.00) for either:

- An amount necessary to enable such person to lease or rent a comparable replacement dwelling for a period not to exceed forty-two (42) months; or
- An amount necessary to enable such person to make a down payment on the purchase of a decent, safe and sanitary replacement dwelling (including incidental expenses described in Section 6.4.c.3).

b. Eligibility

A displaced resident is eligible for a replacement housing payment if such person satisfies the following conditions:

- Has actually and lawfully occupied the dwelling from which he is displaced for a period of not less than ninety (90) days prior to the initiation of negotiations for acquisition of such dwelling. If a resident satisfies all but the ninety (90) day requirement and can establish to the satisfaction of the Agency that he occupied the dwelling with the intention of making it his place of residence, that the move was not motivated by a desire to receive relocation assistance and benefits, and that he neither knew nor should have known that public acquisition was intended, the Agency may reduce the requirements as necessary.
- Is not eligible to receive a replacement housing payment for homeowners or elects not to receive such payment. Where the displaced resident is the owner-occupant of the dwelling for at least ninety (90) days but not more than one hundred eighty (180) days immediately prior to the initiation of negotiations for the acquisition of the dwelling, the payment made under Section 6.5.a. shall not exceed the amount of payment to which the resident would be entitled under Section 6.4.a.
- The displaced resident shall, within one (1) year from the date of displacement, rent or purchase (as the case may be) and occupy a decent, safe and sanitary replacement dwelling. Where for reasons beyond the control of the displaced resident, completion of construction, rehabilitation or relocation of a replacement dwelling is delayed beyond the date by which occupancy is required, the Agency shall determine the date of occupancy to be the date the displaced resident enters into a contract for such construction, rehabilitation or relocation or for rental or purchase, upon completion, of a dwelling to be constructed or rehabilitated, if, in fact, the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed. Where, for reasons of hardship or circumstances beyond the control of the displaced resident, such person is unable to occupy the replacement dwelling

by the required date, the Agency may extend the deadline as necessary. If by the deadline the displaced person has contracted to rent or purchase a decent, safe and sanitary replacement dwelling, the Agency will extend the deadline. No person otherwise eligible for payment shall be denied such eligibility as a result of his being unable, because of a major state or national disaster, to meet the occupancy requirements contained herein.

In implementing the URA, it is the intent that special consideration shall be given to assisting any displaced resident 62 years of age or older to locate or lease or rent a comparable replacement dwelling.

c. Computation of Replacement Housing Payment

1. Rental Assistance Payment

The amount of payment necessary for a displaced resident to lease or rent a comparable replacement dwelling shall be computed by subtracting forty-two (42) times the base monthly rental of the displaced resident, from forty-two (42) times the monthly rental of a comparable replacement dwelling; provided, that in no case may such amount exceed the difference between forty-two (42) times the base monthly rental and forty-two (42) times the monthly rental actually required for the replacement dwelling occupied by the displaced resident.

Base Monthly Rental. The base monthly rental shall be the lesser of:

- The average monthly rental paid by displaced resident for the three (3) month period prior to initiation of negotiations; and
- Thirty percent (30%) of the displaced resident's average monthly gross income.

Where the displaced resident was the owner of the dwelling from which he was displaced or was not required to pay rent for that dwelling, or where the rental is unrealistically low, the economic rent shall be used in lieu of the average monthly rental to calculate base monthly rental.

Rental for Comparable Replacement Dwelling. The monthly rental for a comparable replacement dwelling shall be determined by the Agency using one of the following methods:

- Comparative Method. On a case by case basis, by determining the listing rental of dwellings which are most representative of the acquired dwelling and meet the definition of a comparable replacement dwelling. Whenever possible, the listing rental of at least three (3) dwellings shall be considered; or
- Schedule Method. Where the Agency determines the comparative method is not feasible, it may establish a schedule of reasonable

rental charges for the various types of comparable replacement dwellings. The Agency shall cooperate with other entities causing displacement in the area to establish a uniform schedule. The schedule shall be based on a current analysis of the market to determine a reasonable rental charge for each type of dwelling to be rented. The analysis may be confined to other sub-areas from which the persons are displaced or may cover several different sub-areas, if they satisfy or exceed the criteria for a comparable replacement dwelling. To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of bedrooms and range of rental charges; or

- **Alternative Method.** Where the Agency determines that neither the schedule nor comparable method is feasible in a given situation, by the use of another reasonable method selected by the Agency.

Whichever method is selected the cost shall be updated to within three (3) months of the date of rental of the replacement dwelling.

In calculating the base monthly rental and the rental for a comparable replacement dwelling the Agency will include as a component of rent the cost or estimated cost of utilities, but not including telephone service.

Last Resort Housing. Payments will be made to eligible displaced residential occupants in accordance with the Uniform Relocation Act (URA) and NRS 342 in accordance with procedures developed by the Agency.

2. Down payment Assistance Payment

The down payment for which a payment specified in Section 6.5.a. may be made, shall not exceed the amount of a reasonable down payment for the purchase of a comparable replacement dwelling where such purchase is financed, plus expenses incident to the purchase of a replacement dwelling computed in accordance with Section 6.4.c. The full amount of a down payment shall be applied to the purchase of the replacement dwelling and shall be shown on the closing statement or other document acceptable to the Agency.

d. Rental Payments for Displaced Homeowners and Dependents

1. Homeowners

A displaced homeowner who elects to rent rather than purchase a replacement dwelling and who meets the eligibility requirements of Section 6.5.b. is eligible for the rent differential payment specified in Section 6.5.c.

2. Dependents

A dependent who is residing separate and apart from the person or family

providing support, whether such separate residence is permanent or temporary, shall be entitled to payment under Section 6.5 but such payment shall be limited to the period during which the displaced dependent resides in the replacement dwelling. For the purposes of this Section, "dependent" shall be a person who derives fifty-one percent (51%) or more of his income in the form of gifts, from any private person or any academic scholarship or stipend. Full-time students shall be presumed to be dependents but may rebut this presumption by demonstrating that fifty percent (50%) or more of their income is derived from sources other than gifts from another private person or academic scholarship or stipends.

Dependents residing with the family of which they are a part shall not be entitled to any payment except as a part of the family.

6.6 Payments to Residents Displaced from a Mobile Home

a. Payments Required

The eligibility requirements and payment provisions of Section 6.6 are applicable to displaced residents who are owners or tenants of mobile homes.

b. Moving Expenses: Retention and Move of Mobile Home

If a mobile home is moved to another site and the displaced resident elects to be compensated for actual reasonable moving expenses (and not an alternate payment pursuant to Section 6.3), then the displaced resident shall be paid an amount for moving expenses determined in accordance with the applicable provisions of Section 7.2.a., Actual Reasonable Moving Expenses for a displaced business.

c. Replacement Housing Payments

The Agency shall make a replacement housing payment to a displaced resident who is displaced from his mobile home in the following situations:

- A resident who owns a mobile home and site, and as a replacement purchases both a dwelling and site, shall be provided a payment in accordance with Section 6.4. A resident who owns a mobile home and site, and as a replacement rents both a dwelling and site, shall be provided a payment in accordance with Section 6.5.
- A resident who rents a mobile home and site, and as a replacement rents or purchases a dwelling and site, shall be provided a payment in accordance with Section 6.5.
- A resident who owns a mobile home and site, and as a replacement purchases a dwelling and rents a site, shall be provided a payment in accordance with Sections 6.4 and 6.5. The payment shall be limited to the lesser of:

- The amount necessary to purchase a conventional comparable replacement dwelling; or
- The amount necessary to purchase a replacement mobile home (in accordance with Section 6.4) plus the amount necessary to rent a replacement site (in accordance with Section 6.5). In calculating this amount, the economic rent for the site shall be used in lieu of average monthly rental to determine base monthly rent.
- A resident who owns a site from which he moves a mobile home shall be provided a payment under Section 6.4 if he purchases a replacement site and under Section 6.5 if he rents a replacement site.
- A resident who owns a mobile home which is acquired and rents the site shall be provided payment as follows:
 - If a mobile home is not available, the amount required to purchase a conventional replacement dwelling (in accordance with Section 6.4);
 - The amount necessary to purchase a replacement mobile home (in accordance with Section 6.4) plus the amount necessary to lease, rent or make a down payment on a replacement site (in accordance with Section 6.5); or
 - If he elects to rent a replacement mobile home and site, the amount required to do so in accordance with Section 6.5. In calculating this payment, the average monthly rental shall equal the economic rent for the mobile home plus the actual rent for the site.

Similar principles shall be applied to other possible combinations of ownership and tenancy upon which a claim for payment might be based.

6.7 Proration of Payments

For the purpose of calculating an alternate payment under Section 6.3, or a replacement housing payment under Sections 6.4 or 6.5, two or more individuals (whether they are members of one family or not) living together in, and displaced from, a single dwelling shall be regarded as one displaced resident. If two or more such individuals submit more than one claim, an eligible claimant for a payment may be paid only his reasonable pro -rata share (as determined by the Agency) of the total payment applicable to a single displaced resident. The total of the payments made to all such claimants moving from the dwelling unit shall not exceed the total payment allowed to be made to a single displaced resident.

Where a tenant is sharing a single-family dwelling with an owner-occupant, the tenant shall not be entitled to more than one-half of the replacement housing payment otherwise payable. The owner-occupant shall not be required to share the payment to which he is entitled or to accept a prorated amount.

SECTION VII. RELOCATION PAYMENTS TO DISPLACED BUSINESSES

7.1 Payments Required

The Agency shall compensate the owner of a displaced business for the expenses described in Sections 7.2, 7.3 or 7.5, whenever the acquisition of real property used for a business causes the business to move from other real property upon which the same business is conducted, or to move its personal property therefrom. Such business shall receive payments for moving and related expenses under Sections 7.2 and 7.3 in connection with its move from such other real property.

7.2 Moving Expenses

a. Actual Reasonable Moving and Related Expenses

A displaced business shall be compensated for the actual reasonable expenses incurred for moving the business including moving personal property. In all cases, the amount of payment shall not exceed the reasonable cost of accomplishing the activity in connection with which a claim has been filed.

The moving and related expenses for which claims may be filed shall include:

- Transportation of persons and property not to exceed a distance of fifty (50) miles from the site from which the business was displaced, except where the Agency determines that relocation beyond such distance of fifty (50) miles is justified;
- Packing, crating, unpacking, and uncrating personal property;
- Storage of personal property for a period generally not to exceed twelve (12) months, as determined by the Agency to be necessary in connection with relocation;
- Insurance of personal property while in storage or transit;
- The reasonable replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced business, its agents or employees) in the process of moving, where insurance covering such loss, theft or damage is not reasonably available;

- The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property (including goods and inventory kept for sale) not acquired by the Agency, including connection charges imposed by public utilities for starting utility service;
- The cost of any addition, improvement, alteration or other physical change in or to any structure or its premises in connection with the reassembling, reconnection or reinstallation of machinery, equipment or other personal property At the sole discretion of the Agency, the cost of any addition, improvement, alteration or other physical change otherwise required to render such structure, premises or equipment suitable for the business use; the cost of any addition, improvement, alteration or other physical change necessary to bring such structure or premises into compliance with applicable building and safety codes; the cost of modifying the machinery, equipment or other personal property to adapt it to the replacement location or to utilities available at the replacement location or the cost of modifying the power supply; claims for reimbursement of all such costs shall be subject to the following limitations:
 - The cost shall be directly related to displacement;
 - Reimbursable costs shall be reasonable in amount;
 - The cost shall be found by the Agency to be required by law or ordinance or to be otherwise necessary to the reestablishment of the displaced business;
 - The cost could not be avoided or substantially reduced at an alternate available and suitable site to which the business was referred;
 - The Agency shall deduct, on the basis of a reasonable estimate, the amount, if any, realized by the displaced business concern as compensation for comparable additions, improvements, alterations or other physical changes to the structure and premises acquired, as part of the payment made for the acquisition of such structure and premises;
 - Such payments as are subject to the conditions and limitations established by the Agency for the administration of such benefits;
 - The cost of any license, permit or certification required by a displaced business concern to the extent such cost is necessary to the reestablishment of its operation at a new location;

- The Reasonable Cost of Consultants including: architects, engineers or others providing general or specialized services necessary for (i) planning the move of the personal property or (ii) moving the personal property, or (iii) installing the relocated personal property at the replacement location. For purposes of this paragraph, and in order to avoid duplication of payment, all such services shall not be deemed "necessary" when the services have been or will be provided by the Agency or consultants retained by the Agency. The necessity of other services not provided by the Agency shall be determined by the Agency. Payment for all of the above necessary services must be approved in writing by the Agency prior to their use. Information on the area of expertise and the qualifications of such persons must be provided for review and a reasonable hourly rate or fee must be approved by the Agency before any costs are incurred otherwise such services are not reimbursable. An itemized statement of all services shall be provided to the Agency stating the dates of such services; the location where services were provided; the name, address and telephone number of the person or firm providing services.

Where an item of personal property which is used in connection with any business is not moved but is replaced with a comparable item reimbursement in an amount not to exceed the lesser of:

- The reasonable replacement cost of the personal property, minus net proceeds (if any) realized from the sale of all or part of this property, or
- The estimated reasonable cost of moving the personal property, as determined by the Agency.

In order to obtain a payment under this paragraph, the displaced business shall make a bona fide effort to sell the personal property for which the payment is claimed at the highest price offered after reasonable efforts have been made over a reasonable period of time to interested prospective purchasers. The displaced business shall be reimbursed for the reasonable costs of such effort to sell the tangible personal property, subject to the following limitations:

- The reasonable cost of advertising the move, and of obtaining replacement business cards, stationery and business forms customarily kept by comparable business enterprises.
- Where, in the judgment of the Agency, the cost of moving any item of personal property of low value and high bulk which is used in connection with any business would be disproportionate in relation to its value, the allowable reimbursement for the expense of

moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation. This provision may in appropriate situations

be applied to claims involving the moving of junkyards, stockpiles, sand, gravel, minerals, metals and similar property.

- A displaced business which conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property or services by the erection and maintenance of outdoor advertising displays is entitled to payment for the reasonable cost of moving such displays or their in-place value, whichever is less.

b. Actual Direct Loss of Tangible Personal Property

A displaced business shall be compensated for the actual direct loss of tangible personal property of the displaced business or farm operation attributable to moving or discontinuing such business. The total amount of the payment by the Agency for such loss shall not exceed an amount equal to the estimated reasonable cost of moving the personal property, as determined by the Agency. Subject to such limitation, the actual direct loss of personal property for which claims may be filed shall be determined by appraising either:

- The in-use value (fair market value of the personal property for continued use at its location prior to displacement) minus net proceeds realized from the sale of all or part of the property; or
- The in-use value of personal property, in the event the property cannot be sold and is abandoned.

The actual direct loss of personal property shall be computed and based on an appraisal obtained by either the Agency or the displaced business, and approved by the other.

In order to obtain a payment for the actual direct loss of personal property, the displaced business shall make a bona fide effort to sell the personal property for which the loss is claimed at the highest price offered after reasonable efforts have been made over a reasonable period of time to interested prospective purchasers. The reasonable cost of an effort to sell the personal property shall be added to the determination of loss under this Section.

In the event personal property which is sold or abandoned is promptly replaced with a comparable item, no payment for the actual direct loss of such personal property shall be made to the displaced business by the Agency; instead, the displaced business shall be paid the amount specified in Section 7.2.a.

c. Actual Reasonable Searching Expenses

Actual Reasonable Expenses incurred in searching for a replacement business site which may include: transportation within a radius of fifty (50) miles from the boundaries of the City, meals and lodging, if necessary, an amount to cover time spent during normal working hours (based on an actual confirmed hourly wage rate not to exceed \$10 per hour) and proven reasonable fees paid to a real estate broker or agent to locate a new site. The maximum total amount of reimbursement for searching expenses for a new location is \$1,000. Invoices, bills, receipts and a completed Agency Searching Cost Form must be certified and submitted for all expenses claimed. Costs incurred in inspecting sites beyond a fifty (50) mile radius are not eligible. In exceptional cases, and with prior written approval of the Agency, an amount over the \$1,000 may be authorized when circumstances warrant.

7.3 Reestablishment Expenses

For purposes of this section, a "small business" is any business, nonprofit organization or farm that has at least one individual (employee or business owner) but not more than 500 working at the project site. However, a part-time business in the displacement dwelling that does not contribute materially to the household's income is not eligible for this payment.

In addition to Payment for Actual Reasonable Moving Expenses, a small business or nonprofit organization shall be compensated in an amount not to exceed \$10,000 for actual reasonable expenses incurred in reestablishing the small business or nonprofit organization at its new site, including:

- Repairs or improvements to the replacement real property as required by federal, state or local law, code or ordinance.
- Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- Construction and installation of new exterior advertising sign(s) not to exceed \$1,500.
- Provision of utilities from the right-of-way to improvements on the replacement site.
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
- Licenses, fees and permits that are not eligible under Section 7.2.a.
- Feasibility surveys, soil testing and marketing studies.
- Advertisement of the replacement location, not to exceed \$1,500.

- Professional services and incidental expenses in connection with the purchase or lease of a replacement property.
- Estimated increased costs of operation during the first two (2) years at the replacement site, not to exceed \$5,000 for such items as:
 - Lease or rental charges
 - Personal or real property taxes
 - Insurance premiums
 - Utility charges, excluding impact fees.
- Impact fees or one-time assessments for anticipated heavy utility usage.
- Other reestablishment expenses determined by the Agency to be essential to reestablishment of the business, nonprofit organization or farm that are not listed as ineligible in Section 7.4.

7.4 Eligibility

A displaced person is eligible for payment of moving, reestablishment and related expenses to the extent that the Agency determines such expenses to be reasonable and necessary. The Agency may limit reimbursement to the amount required to accomplish the objective of the payment by the least costly method that does not cause undue hardship.

a. Ineligible Expenses

- Loss of goodwill;
- Loss of profits;
- Loss of trained employees;
- Personal injury;
- Interest on a loan to cover any costs of moving or reestablishment expenses;
- Any legal fees or other cost for preparing a claim for a relocation payment or for representing the claimant before the Agency;

- The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. (This does not, however, preclude the computation under Paragraph 6.4.e.),
- Costs for storage of personal property on real property already owned or leased by the displaced person before the initiation of negotiations.

b. Limited Eligibility

- The cost of physical changes to the real property is ineligible except as provided in Section 7.2.a. and Section 7.3.
- The purchase of capital assets (e.g., office furniture, machinery or trade fixtures), manufacturing materials, production supplies or product inventory is ineligible except as provided in Section 7.2.a.
- Interior or exterior refurbishments which are solely for aesthetic purposes are ineligible, except as provided for in Section 7.3.

7.5 Alternate Payments

a. Determination of Payments

1. Amount of Payment

A displaced business which moves or discontinues, and which meets the eligibility requirements of Section 7.5.a.2, may elect to receive and shall be paid, in lieu of the payments for which it is otherwise entitled under Section 7.2, a payment equal to the average annual net earnings of the business, except that such payment shall not be less than \$1,000 or more than \$20,000. Said dollar limitation shall apply to a single business regardless of whether it is carried on under one or more legal entities.

2. Determination of Number of Businesses

In determining whether one or more legal entities, all of which have been acquired, constitute a single business, the following factors among others, shall be considered:

- The extent to which the same premises and equipment are shared;
- The extent to which substantially identical or intimately interrelated business functions are pursued and business and financial affairs are commingled;

- The extent to which such entities are held out to the public, and to those customarily dealing with such entities, as one business;
- The extent to which the same person or closely related persons own, control, or manage the affairs of the entities.

b. Eligibility

A displaced business is eligible for the payment provided for in this Section only if the Agency determines that:

- The business either discontinues or cannot be relocated without a substantial loss of its existing patronage, (measured in terms of loss of clientele or loss of net earnings, at the discretion of the Agency, and the availability of a suitable relocation site);
- The business is not part of a commercial enterprise having another establishment which is not being acquired for a project and which is engaged in the same or similar business;
- The business contributed materially to the income of the displaced person;
- The business operation at the displacement property is not solely for the rental of that real property to another; and
- A business operated out of or located within the dwelling of a residential displacee is eligible for relocation assistance and payments if the Agency determines that it meets the eligibility criteria of a displaced business.

1. Material Contribution

To contribute materially means that during the two (2) taxable years prior to the taxable year in which the displacement occurred, or during such other period as the Agency determines to be more equitable, the business operation:

- i. Had average annual gross receipts of at least \$5,000; or
- ii. Had average annual net earnings of at least \$1,000; or
- iii. Contributed at least one-third percent (33 1/3%) of the owner's or operator's average annual gross income from all sources.

If the Agency determines that the application of these criteria would cause an inequity or a hardship, it shall waive these criteria.

2. **Determination of Average Annual Net Earnings of Business or Farm Operation**

- i. For purposes of this Section, the term “average annual net earnings” means one-half (1/2) of any net earnings of the business before federal, state and local income taxes during the two taxable years immediately preceding the taxable year in which the business is displaced from the real property being acquired.
- ii. In any case the Agency determines that the two (2) year period prior to displacement is not representative of the average receipts, earnings or income, it may use a more representative period.
- iii. To the extent that reported income/profit on tax returns has been reduced by expenses not actually incurred in the base period, such as a loss carry-over from a previous year, or carried back from a later year or declared depreciation in excess of actual or straight-line depreciation, the reported income/profit shall be adjusted by adding back such expense.
- iv. To the extent that reported income/profit was inflated by receipts not earned during the base period such as refund of state or local income taxes or income included under the tax benefit rule because a deduction taken in a previous year was disallowed, the reported income/profit shall be adjusted by subtracting such amount.

c. **Non-Profit Organization**

A displaced nonprofit organization is eligible for a fixed payment if it discontinues operations or relocates but is likely to suffer a substantial loss of existing patronage (measured by membership or clientele). A nonprofit organization is assumed to meet this test unless the Agency demonstrates otherwise.

- The payment shall be equal the amount determined by subtracting the average annual administrative expenses from the average annual gross revenue. The determination of average annual expenses and revenues shall be based on the two (2) most recent fiscal years. If the organization has not been in operation for two full years, the Agency shall determine a representative period of operation.
- Gross revenues include membership fees, class or seminar fees, cash donations, tithes, receipts from sales or other methods of funds collections that enable the nonprofit organization to operate.

- Administrative expenses include rent, utilities, salaries of support staff, advertising and fund-raising expenses. Operating expenses, such as salaries of actual staff providing services, are not considered administrative expenses.

If a displaced business does not meet any of the above conditions, the Agency may nevertheless pay it the \$1,000 minimum amount, provided that the Agency otherwise determines that such business is in fact a bona fide business.

7.6 Relocation of Utility Facility

a. Definition of Utility Facility

Utility facility means any electric, gas, water, steam power, nuclear 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.

b. Payment at Agency Discretion

The Uniform Relocation Act (URA), from which these Rules and Regulations take their primary authority, does not require an Agency to pay for the relocation of a utility facility (system). The Agency may, however, at its sole discretion, elect to pay all or part of the extraordinary expenses incurred in the relocation of a utility facility.

1. Eligibility

To be eligible for a payment under this Section, the following criteria must be met:

- i. The utility facility (system) legally occupies state or local government property, or property over which the state or local government has an easement or right-of-way; and
- ii. The utility facility's right to occupancy of the property exists pursuant to state law or local ordinance specifically authorizing such use or has been granted through a franchise, use and occupancy permit or other agreement; and
- iii. Relocation of the utility facility is required by a project or program; and
- iv. There is no federal law, other than the URA that establishes a policy requiring the payment to be made; and
- v. The payment is permitted by state and local law.

2. Agreement with Owner

The Agency and the owner of the utility system must reach prior agreement on the nature of the work to be performed, the costs eligible for reimbursement by the Agency, the interim and permanent financing, the tasks for which each is responsible and the method of accumulating costs and making payment. In reaching agreement, the practices described in the Federal Highway Administration Regulation 23 CFR Part 645, Subpart A, Utility Relocations, Adjustments and Reimbursement, should be followed.

SECTION VIII. CITIZEN PARTICIPATION

8.1 General Requirement

All persons who will be displaced, neighborhood groups and any relocation committee shall be given an opportunity to participate in reviewing the Relocation Plan and monitoring the relocation assistance program.

8.2 Minimum Requirements

At a minimum, the Agency shall guarantee the following:

- Timely and full access to all documents relevant to the relocation program. The Agency may reasonably restrict access to material where its confidentiality is protected by law or its disclosure prohibited by law.
- The Agency shall ensure that the information in documents, the provision of which would result in disclosure of the identity of eligible persons, is provided in a manner designed to avoid such disclosure. This obligation to avoid improper disclosure shall not affect the right of the person to which the information relates, or any other person authorized in writing by such person, to inspect such documents.
- The provision of technical assistance necessary to interpret elements of the Relocation Plan and other pertinent materials.
- Prompt, written responses to any written objections or criticism.

SECTION IX. CLAIM AND PAYMENT PROCEDURES

9.1 Filing of Claims

All claims for relocation assistance and payments filed with the Agency shall be

submitted within eighteen (18) months of the date on which the claimant receives final payment for the property or the date on which claimant moves, whichever is later. The Agency may extend this period upon a proper showing of good cause.

9.2 **Documentation in Support of Claim**

a. **Moving Expenses**

1. **Professional Moves**

Except in the case of a displaced resident or displaced business electing to self-move, a claim for payment of actual reasonable moving expenses shall be supported by a bill or other evidence of expenses incurred.

Each claim in excess of \$1,000 for the costs incurred by a displaced business in moving the business operation shall be supported by competitive bids in such number as are practical. If the Agency determines that compliance with the bid requirement is impractical, or if estimates in an amount less than \$1,000 are obtained, a claim may be supported by estimates in lieu of bids.

2. **Self Moves**

Approval of a self-move shall be conditioned upon whether the displaced person has a permanent replacement site to move to. If so, the Agency may, at its sole discretion, approve a payment for moving expenses, in an amount not to exceed the lowest acceptable bid or estimate obtained by the Agency. A self-move to storage may be approved by the Agency at the Agency's sole discretion.

Reasonable advertising costs related to the move or the sale of personal property in lieu of moving the personal property are considered eligible. Usual advertising costs associated with operating the business are not eligible.

3. **Exemption from Public Service Commission Regulations**

Whenever the Agency must pay the actual cost of moving a displaced person, the costs of such move shall be exempt from regulation by the State of Nevada Public Service Commission. The Agency may solicit competitive bids from qualified bidders for performance of the work. Bids submitted in response to such solicitations shall be exempt from regulation by the Public Service Commission.

b. Loss of Property

A claim by a displaced business for payment for the actual direct loss of tangible personal property pursuant to Section 7.2.b. shall be supported by written evidence of loss which may include appraisals, certified prices, bills of sale, receipts, canceled checks, copies of advertisements, offers to sell, auction records and other records appropriate to support the claim, or the Agency may agree as to the value of the property left in place.

c. Proof of Earnings

If a displaced business elects to receive an alternate payment pursuant to Section 7.5 of these Rules and Regulations, the business shall provide proof of its earnings to the Agency. Proof of earnings may be established by income tax returns, financial statements and accounting records or similar evidence acceptable to the Agency.

9.3 Payment of Moving Expenses

a. Advance Payment

An eligible displaced resident or displaced business may be paid for his anticipated moving expenses in advance of the actual move. The Agency shall provide advance payment whenever later payment would result in financial hardship. Particular consideration shall be given to the financial limitations and difficulties experienced by low and moderate income residents and small business operations.

b. Direct Payment

By pre-arrangement between the Agency, the displaced resident or displaced business and the mover, evidenced in writing, the claimant or the mover may present an unpaid moving bill to the Agency, and the Agency may pay the mover directly.

c. Methods Not Exclusive

The specific provisions of these Rules and Regulations are not intended to preclude the Agency's reliance upon other reasonable means of effecting a move, including contracting moves and arranging for assignment of moving expense payments by displaced persons.

9.4 Payments for Replacement Dwellings

a. Payment for Purchase of Comparable Replacement Dwelling

1. Disbursement of Payment

When the Agency has determined the amount of the payment for purchase of a comparable replacement dwelling to which the displaced resident

is entitled and has verified that the displaced resident occupies a comparable replacement dwelling, payment shall be made to the displaced resident.

2. Provisional Payment Pending Condemnation

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the Agency may make a provisional replacement housing payment to the displaced homeowner equal to the difference between the Agency's maximum offer for the property and the reasonable cost of a comparable replacement dwelling, but only if the homeowner enters into an agreement that upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court. If the acquisition price as determined by the court is greater than the maximum offer upon which the provisional replacement housing payment is based, the difference shall be refunded by the homeowner to the Agency. If the acquisition price as determined by the court is less than the maximum offer upon which the provisional replacement housing payment is based, the difference shall be paid to the homeowner.

3. Certificate of Eligibility

Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a comparable replacement dwelling, but who is otherwise eligible for a replacement housing payment, the Agency shall certify to any interested party, financial institution or lending Agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he purchases and occupies a dwelling within the time limits prescribed.

b. Rental Assistance Payments

When the Agency has determined the amount of the rent differential payment to which the displaced resident is entitled and has verified that the displaced resident occupies a comparable replacement dwelling, payment shall be made in a lump sum to the displaced resident.

9.5 Assistance and Payments to Persons Moving Without Notice

If the Agency fails to inform any eligible displaced person of the relocation payments and assistance that may be made available by the Agency in a timely manner, the Agency shall make every reasonable effort to identify and locate such person who has moved. Eligible displaced persons who move without offers of assistance and benefits, after the Agency was required to offer assistance and benefits, shall be provided all such assistance and payments for which they otherwise qualify. When appropriate, the Agency shall also compensate such persons for additional costs incurred as a result of the Agency's failure to provide timely notice and offers of relocation assistance and benefits.

9.6 Termination of Relocation Assistance

The Agency's relocation obligations cease under the following circumstances:

- A displaced resident moves to a comparable replacement dwelling and receives all assistance and payments to which he is entitled;
- The displaced resident moves to substandard housing, refuses reasonable offers of additional assistance in moving to a decent, safe and sanitary replacement dwelling and receives all payments to which he is entitled;
- All reasonable efforts to trace a person have failed;
- The business concern or farm operation has received all assistance and payments to which it is entitled and has been successfully relocated or has ceased operations;
- A person displaced from his dwelling, business or farm operation refuses reasonable offers of assistance, payments and referrals to comparable replacement dwellings.

SECTION X. RELOCATION ASSISTANCE PROVIDED BY NRS 342

10.1 General Requirement

The State of Nevada offers assistance to businesses being displaced by a Redevelopment Agency above and beyond the requirements of the Uniform Relocation Act. The additional assistance for which a displaced business may qualify as a displacee of a Nevada Redevelopment Agency is described in this Section. Some of the following assistance may appear redundant of assistance described in earlier sections of these Rules and Regulations. In some such instances, relocation assistance described below is an expansion of the relocation benefits discussed in previous sections. Such expansion of payments was mandated by NRS 342.

The provisions of Section X apply only to displacees of designated State of Nevada redevelopment agencies. Persons being displaced by any other entity, public or private, do not qualify for payments and assistance provided for in Section X.

10.2 Physical Changes to Structures

A displaced business may be eligible for a payment to cover the actual, reasonable and necessary costs of alterations and other physical changes that are required to be made to a new location to render it suitable for the operation of the business.

10.3 Modifications to Personal Property

A displaced business may be eligible for a payment to cover the actual, reasonable and necessary costs of modifications made to machinery, equipment and other personal property moved to the new location which were necessary for the operation of the business, except that such costs must not exceed the acquisition cost of the machinery, equipment and other personal property less accumulated depreciation.

10.4 Rent Differential Payment

A displaced business may be eligible for a payment which, when added to the amount that it formerly paid in rent, will enable the business to rent or lease a comparable business location on the current market for a term equal to the period that would have remained on the lease if it had not been terminated as a result of the acquisition of the property or three (3) years, whichever is greater.

10.5 Agency Purchase of Displaced Business

The Agency may pay the fair market value of the business as determined in accordance with Subsections of NRS 379 if the business owner is unable to relocate his business establishment to a comparable new location because of the operation of a governmental ordinance, regulation or restriction or because a comparable business location is not available.

10.6 Other Assistance

The displaced business may be determined eligible for other assistance as determined reasonable and necessary by the Agency.

10.7 Exclusion of Month-to-Month Tenancies

These provisions do not apply to month-to-month tenancies, nor do they apply to a business which executes an initial lease within one (1) year before the approval of a development agreement or other similar action of a governmental body identifying the property that will be acquired, unless the business is renewing a lease on a site that it has occupied for more than one (1) year before the identification of the property to be acquired.

SECTION XI. GRIEVANCE PROCEDURES

11.1 Purpose

The purpose of the Grievance Procedures is to attempt to resolve disputes between the claimant and the Agency at the lowest possible administrative level while affording the claimant an opportunity to have a full and fair review of his case.

Therefore, all relevant evidence should be presented at the lowest level of these proceedings. In any case where such evidence could have been presented at a lower level and the claimant failed to do so, the Relocation Appeals Board may refer the matter back to the lower level for consideration and determination prior to its considering such evidence.

11.2 Right of Review

Initial Determination: Any displaced person or business who is not satisfied with a determination as to eligibility, amount of payment, and failure by the Agency to provide comparable permanent or adequate temporary replacement housing or the Agency's property management practices, or not properly applying appropriate regulations, at his election, may have his claim reviewed and reconsidered in accordance with the following procedures.

A claimant shall request that Agency's designated representative provide him with a full written explanation of the determination and the basis therefor, which explanation shall be provided within three (3) weeks from the date of receipt of the request.

11.3 Informal Oral Presentation

Agency Review: If the claimant feels that the written explanation is incorrect or inadequate, he may request an informal hearing with the Agency Director of Operations or designee.

To obtain an informal hearing before the Relocation Appeals Board, the claimant must complete a relocation complaint form with the Director within five hundred forty (540) days from the date he moves from the acquired property or receives final compensation for displacement from the property, whichever is later.

- Within fifteen (15) days from the date of receipt of claimant's relocation complaint form for an informal hearing, he will be afforded an opportunity to make an oral presentation, or to request a written review by the Relocation Appeals Board of the relevant documents and written materials submitted by the claimant.
- The claimant may be represented by an attorney or other person of his choosing at the oral hearing (at the cost of the claimant).
- The Director or designee shall prepare a summary of the matters discussed and determinations made during the informal hearing or written review, and serve a copy thereof upon the claimant.
- The Director or designee shall review and reconsider the initial determination of the claimant's case in light of:

- a. All material upon which the Agency based its original determination including all applicable rules and regulations;
- b. The reasons given by the claimant for requesting review and reconsideration of his claim;
- c. Whatever additional written material has been submitted by the claimant; and
- d. Any further information which the Director or designee may, in his discretion, obtain by request, investigation or research to ensure fair and full review of the claim.

The final determination on review by the Director or designee shall include, but is not limited to:

- a. The Director's or designee's decision on reconsideration of the claim;
 - b. The factual and legal basis upon which the decision is based, including any pertinent explanation or rationale; and
 - c. A statement of claimant's right to seek within forty-five (45) days further review of his claim by the Relocation Appeals Board and an explanation of the steps the claimant must take to obtain this review.
- The right to a formal hearing shall be conditioned upon first obtaining an informal hearing by the Director or Designee. Subsequent appeals to the Relocation Appeals Board will be at the discretion of the Director of Operations.

11.4 Request for Formal Review

If the claimant feels that the Director's or designee's determination following the informal oral hearing, or written review by the Director or designee, is incorrect or inadequate, he may request a formal hearing before the Relocation Appeals Board.

To obtain a formal hearing before the Relocation Appeals Board, the claimant must request in writing that the Director schedule such a hearing. Such request shall be made within thirty (30) days from the date of the Director's or designee's determination following the informal hearing or the Director's or designee's written review.

- Within thirty (30) days from the date of receipt of claimants written request, he will be notified of the formal hearing date. If the claimant requests additional time to prepare material for consideration and shows good cause therefor, the hearing date shall be continued to another date.

- The Relocation Appeals Board shall have the authority to revise the initial determination or the determination made at an informal hearing, subject to approval thereof by the Agency Director.
- The Relocation Appeals Board shall, at the time it gives notice of the formal hearing date, notify the claimant that he has the right to be represented by an attorney or others, at his own expense, to present his case by oral or documentary evidence; the right to submit oral or documentary evidence; the right to submit rebuttal evidence to conduct such cross examination as may be required for full and true disclosure of facts and the right to seek judicial review once claimant has exhausted administrative appeal
- The Relocation Appeals Board shall review and reconsider the initial determination and/or the determination made at an informal hearing taking into consideration all material upon which the challenged determination was made, all applicable rules and regulations, the reasons given by the claimant for requesting review, any additional relevant evidence, oral or documentary, submitted by either the claimant or the Agency's representatives. No evidence may be relied upon by the Relocation Appeals Board where the claimant has been improperly denied an opportunity to rebut evidence or cross-examine a witness.
- The Relocation Appeals Board shall make its determination within six (6) weeks from the date on which the formal hearing is concluded or the date of receipt of the last material submitted, whichever is later.
- The Relocation Appeals Board's determination shall be made in writing and shall contain its decision, the factual and legal basis upon which the decision is made and a statement informing the claimant of his right to appeal the decision to the Agency Board as provided below.
- The claimant shall be promptly served with a copy of the Relocation Appeals Board's determination.

11.5 Agency Board Review

Any person who believes himself to be aggrieved by any final decision of the Relocation Appeals Board may, within five (5) days after notice of such ruling or act, as herein above provided, appeal to the Agency Board by filing with the Agency Director a written statement of the rulings or acts complained of and the reasons for making such appeal. The Director shall thereupon refer such appeal to the Agency Board at its next regular meeting, and the Agency Board shall thereupon fix a time for the hearing of said matter, which time shall be not less than thirty (30) days from the time said appeal is presented to the Agency Board by the Director. On the date thus fixed, or on the date to which said hearing shall have been continued, the Agency Board shall proceed to

hear and consider the evidence relating to said matter and shall make and enter on its minutes its final determination therein. The Agency Board may confirm, modify or set aside the findings of the Relocation Appeals Board, and its determination in the matter shall be final and conclusive. No proceeding or action shall lie against the Agency, Director, Appeals Board or any member of either thereof, nor against any officer, agent or employee of the Agency or City to review or enjoin the enforcement of its determination or orders of the Agency made pursuant hereto, or to recover damages for carrying out such orders in a lawful and reasonable manner, unless such action is commenced within ninety (90) days from and after service of notice of the findings and determination of the Agency. Notice of the determination of the Agency shall be served by the Director upon the person, or persons, taking the appeal in the manner elsewhere in this subdivision provided for service of notices. The effect of any order from which an appeal is taken as herein provided shall be suspended and of no force or effect until such appeal is fully determined.

The claimant shall be deemed to have exhausted his administrative remedies upon the Agency taking action upon his complaint.

11.6 Time Limits

The Director may extend any of the time limits specified in this Section upon a showing of good cause. Any refusal to waive a time limit may be reviewed in accordance with the procedures set forth above; provided, however, any request to review shall be made within ninety (90) days from the date of receipt by claimant of written notice that the request to extend time has been denied.

11.7 Review of Files by Claimant

The claimant may inspect all files and records bearing upon his claim or the prosecution of the claimant's grievance, except to the extent the confidentiality of the material sought or the disclosure thereof is protected or prohibited by law.

11.8 Effect of Determination

Determinations made by the Agency shall be applicable to all eligible persons in similar situations regardless of whether any such eligible person seeks a review. All written determinations shall be filed in the records of the Agency and made available for public inspection.

11.9 Right to Counsel

Any claimant has the right to be represented by an attorney at his expense at any and all stages of the proceedings set forth in this Section.

11.10 Further Review

If the Agency deems the eligibility of a claimant for a payment or disapproves the full amount claimed or refuses to consider the claim on its merits because of

untimely filing or any other ground, the Agency's notification to the claimant of its determination shall inform the claimant of its reasons therefor, and shall also inform the claimant of the applicable procedures for obtaining further review of this determination.

These regulations prescribe the City of Las Vegas's Redevelopment Agency's procedures for granting administrative relief to any person aggrieved by a determination as to eligibility for a payment authorized by the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended, and NRS 342, with regard to the obligation of the Agency to refer such person to an adequate replacement dwelling or to any person aggrieved by a determination as to eligibility for a payment authorized by the above legislation to provide the opportunity for his application to be reviewed by the appropriate department responsible for administering such payments.

11.11 Severability

Severability: If any provision of these Rules and Regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this law which can be given effect without the invalid provision or application, and to this end the provisions of this law are severable.

11.12 Application of Rules and Regulations

Application of Rules: These Rules and Regulations shall be applicable on or after their effective date of adoption of the Agency.

11.13 Amendments

Amendments: The Agency reserves the right to amend these Rules and Regulations, procedures and policies.

11.14 Joint Complainants

Where more than one person is aggrieved by the failure of the Agency to refer them to comparable permanent or adequate temporary replacement housing, the complainants may join in filing a single written request for review. A determination shall be made as herein provided for each of the complainants.

11.15 Judicial Review

Nothing in this Section shall in any way preclude or limit a claimant from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available under this Section.

SECTION XII. PROPERTY MANAGEMENT PRACTICES

12.1 Short Term Rental

If the Agency permits an owner or tenant to occupy the acquired real property on a rental basis for a short term or for a period subject to termination by the Agency on short notice, the amount of rent required shall not exceed the lesser of the fair rental value to a short term occupier or a pro-rated portion of the fair rental value for a typical rental period. If the owner or tenant is an occupant of a dwelling, the rental for the dwelling shall be within his financial means.

12.2 Notice to Vacate

The construction or development of a project shall be so scheduled that no eligible person occupying real property shall be required to move from a dwelling, or to move his business, without at least ninety (90) days written notice from the Agency of the date by which such move is required. The Agency shall notify each individual tenant to be displaced as well as each owner-occupant.

12.3 Eviction

Eviction is permissible only as a last resort. Relocation records must be documented to reflect the specific circumstances surrounding the eviction. Eviction may be undertaken for one or more of the following reasons:

- Failure to pay rent, except in those cases where the failure to pay is the result of lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
- Remaining in possession after expiration or termination of the term;
- Performance of a dangerous or illegal act on the property;
- Material breach of the rental agreement and failure to correct such breach within thirty (30) days of notice;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- Refusal to accept one of a reasonable number of offers of replacement dwellings;
- The eviction is required by state or local law and cannot be prevented by reasonable efforts on the part of the Agency;

- Failure to execute a rental agreement with the Agency and occupant has been provided with a ninety (90) day notice to vacate and relocation information has been given at least ninety (90) days prior to the eviction and referrals to comparable replacement housing have been provided to the occupant.

12.4 **Status of Post-Acquisition Tenants**

a. **Notice of Status**

The Agency shall inform prospective post-acquisition tenants, before they occupy the property, that the property has been acquired for a public use and will be available only in the interim between acquisition and development and that development for such use may result in termination of the tenancy sooner than would otherwise be expected.

The Agency shall also inform prospective post-acquisition tenants regarding the projected date of displacement and, periodically, shall inform post-acquisition tenants of any changes in such date.

b. **Notice to Vacate**

A post-acquisition tenant who occupies acquired real property on a rental basis for a short term and who is informed that the property has been acquired for a public use shall be given any notices required by law.

c. **Eligibility for Relocation Assistance and Payments**

Post-acquisition tenants are not eligible for relocation assistance and payments if, before occupying the property, they are informed by the Agency that the property has been acquired for a public use and will be available only in the interim between acquisition and development and that development for such use may result in termination of the tenancy sooner than would otherwise be expected and if they are informed of the relocation advisory assistance and payments they will forfeit. When so informed, post-acquisition tenants are not eligible even though they move as a result of a written order from the Agency to vacate the real property.

Persons who become post-acquisition tenants after the effective date of these Rules and Regulations who are not so informed and who move as a result of a written order from the Agency to vacate are eligible for relocation assistance and payments, except where they are evicted in accordance with Section 12.3 of these Rules and Regulations.

d. **Move from Permanent Housing**

Where the Agency is making housing available on a permanent basis on property it owns (i.e., not pending development), a post-acquisition tenant who moves as a result of a written order from the Agency to vacate is eligible for relocation assistance

and payments if the order to vacate is related to a plan to demolish or rehabilitate such dwelling units. A post-acquisition tenant who is required to move as a result of the sale of such dwelling units to a private person for demolition or rehabilitation is eligible without need for a written order to vacate from the Agency.

12.5 Service of Notice

Service of all notices required by this Section XII shall be made either by certified mail-return receipt requested or by personal service upon the person to be notified.