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Director

State of California—Health and Human Services Agency
California Department of Public Health



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March 12, 2009

To: Applicants for SDWSRF Funding

Federal Cross-cutting Requirements: Uniform Relocation Assistance and Real Property Acquisition (Policies) Act of 1970 (The Uniform Act) [amended in 1987]

If approved for SDWSRF funding, your project will be subject to compliance with federal cross-cutting requirements, including the federal Uniform Relocation Assistance and Real Property Acquisition Act (The Uniform Act).

The Uniform Act applies to any project related acquisition of an interest in real estate, including easements, regardless of whether or not the acquisition is actually funded as an eligible project cost. In other words, if the acquisition is related to the SDWSRF project, compliance with the Uniform Act is required even if you do not submit a claim for reimbursement of the cost of the land.

- A. The Uniform Act has certain requirements which apply only if the project's acquisition of the real property interest(s) will result in displacement of people or business from the subject property. If your property will involve any displacement of people or business (including farming activity), you should notify SDWSRF in Sacramento via the contact listed at the end of this letter, well in advance of commencing acquisition of the property to be certain the Uniform Act requirements are met.
- B. If the acquisition will not result in displacement of people or business, the Uniform Act requirements fall into two primary categories.
 1. If you intend to purchase the property by voluntary negotiation, but if those negotiations fail, you would use your power of eminent domain to acquire the property by condemnation action, the Uniform Act has fairly extensive requirements including particular notification and land appraisal requirements. If you believe your project will involve such activity, please contact SDWSRF Sacramento in order to get advance of commencing any activity related to purchase of the property in order to get further direction to assure your compliance with the Uniform Act requirements.
 2. On the other hand, if you intend to purchase property by voluntary negotiations, and if those negotiations fail would simply not purchase that particular piece of

property, the Uniform Act requires only that you inform the land owner, in writing and prior to commencing any negotiation with the owner that the Uniform Act applies, that you intend to purchase the property by voluntary negotiations, and that if those negotiations fail you will not purchase the property and will not use eminent domain power to acquire the property. In addition, you must start negotiation by giving the land owner a written offer to purchase the property for what you believe to be its fair market value. That valuation does not need to be based on an appraisal, but does need to be based on your honest evaluation and can't be based solely on the land's assessed valuation for the purpose of property tax.

If your acquisition is best described by paragraph B (2) above, SDWSRF can provide you with an informational pamphlet which can be used to satisfy the Uniform Act notice notification requirements. You would then also need to provide the written offer to purchase described in paragraph B (2) above, and then could continue normal negotiations which could result in no purchase, or a purchase price greater than, less than, or equal to the initial fair market value offer. The water system is required to provide this (or equivalent) statement prior to entering into discussions concerning sale or transfer of land easements in order to meet SDWSRF cross-cutting requirements for funding.

Please note, that failure to comply with appropriate Uniform Act requirements could result in your project being ineligible for SDWSRF funding.

Please contact Nadine Feletto at 916-449-5621 or via email at Nadine.Feletto@cdph.ca.gov if you have specific questions concerning this matter.

Sincerely,

A handwritten signature in black ink that reads "Stephen A. Woods". The signature is written in a cursive style with a large initial 'S'.

Stephen A. Woods, Assistant Chief
Division of Drinking Water and Environmental Management