

**SAN FRANCISCO RELOCATION APPEALS BOARD
BYLAWS AND RULES OF PROCEDURE**

Part 1. Organization

§ 1 ESTABLISHMENT AND DESIGNATION OF BOARD.

The Relocation Appeals Board created by Health and Safety Code Section 33417.5, a section of the Community Redevelopment Law, is established pursuant to Section 7266 of the California Government Code and is designated to hear appeals from the determinations of all officers, bodies, departments and agencies of the City and County of San Francisco and the San Francisco Redevelopment Agency, as to the eligibility for, or the amount of, a payment authorized by Chapter 16 (Section 7260, et seq.), Division 7, Title 1, of the Government Code. Such Relocation Appeals Board is hereinafter denominated as “the Board.”

§ 2 MEMBERSHIP –TERMS; STAFF; FUNDING..

- A. There is hereby established a board to be known as the San Francisco Relocation Appeals Board (hereinafter called "Board") consisting of five members, each of whom has been appointed by the Mayor and whose appointment is subject to the approval of the Board of Supervisors.
- B. One of the members who is first appointed shall be designated to serve for a term of one year; two for two years; and two for three years from the date of their appointments. Thereafter, members shall be appointed as aforesaid for a term of office of three years, except that all of the vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until a successor has been appointed.
- C. The Board shall elect a president from among its members. The term of office as President of the Board shall be for the calendar year or for the portion thereof remaining after each such president is elected.
- D. The Mayor shall be responsible for assigning a member of his office or any office under his jurisdiction the position of Executive Secretary to the Board. The Executive Secretary is not a member of the Board and has no voting privileges. All other staff personnel of the Board shall be under the immediate direction and supervision of the Executive Secretary.
- E. The members of the Board shall serve without compensation; but each of the members shall be reimbursed for necessary expenses incurred in performance of duties, but not to exceed \$15 per meeting and \$45 per month.
- F. No member of the San Francisco Redevelopment Agency, the Board of Supervisors or of any City agency responsible directly or indirectly for the determination of relocation assistance claims shall serve on the Board.

§3 PROCEEDINGS OF THE BOARD.

Meetings of the Board shall be held at the call of the Chairman. All hearings of the Board shall be public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Minutes and other official records of the Board shall be maintained at the Mayor's Office of Housing of the City and County of San Francisco and shall be open to public inspection.

§4 Purpose.

The purpose of the Board shall be promptly to hear all complaints providently filed and to review and recommend modifications, if necessary, in the decision of any City agency, including the Redevelopment Agency, regarding eligibility for relocation assistance payments, the amount of such payments, the adequacy of replacement quarters obtained for persons, businesses displaced because of the acquisition of real property by a City agency for a public purpose, or any other complaints by residents of the several project areas within the City relating to relocation.

PART 2. JURISDICTION

§ 1 Standing

Any person aggrieved by any determination of the Redevelopment Agency or of any City agency (hereinafter denominated as "agency") regarding relocation or relocation assistance as provided by state or local law or regulation may appeal to the Board for a review of that decision.

§ 2 Subject Matter – Jurisdiction of Board.

The Board is empowered to hear and consider appeals from the determination of any agency regarding: (1) eligibility for relocation assistance; or (2) the amount of relocation assistance allowed; or (3) the adequacy or acceptability of replacement quarters obtained for displaced persons, businesses; or (4) any allegation of substantial noncompliance by any agency with state or local law or regulation regarding relocation or relocation assistance.

§ 3 Powers of Recommendation.

After hearing and considering any appeal, the Board shall have the power, upon a majority vote of those present, to recommend that the determination of the agency in question be affirmed, reversed or modified by that agency. The decision of the Board shall be advisory only, but shall be duly and promptly considered by the agency whose determination is under review.

§ 4 Exemption of Federal Grievance Procedures.

There is exempted from the provisions of this Chapter any grievance procedure policy instituted by any agency pursuant to any federal regulation as a condition to federal financial participation, to the extent that such procedure is inconsistent with the provisions of this Chapter.

PART 3. PROCEDURE

§ 1 Compliance with Procedures.

The Board shall act in accordance with the procedure specified by California law and by Chapter 24B of the San Francisco Administrative Code

§ 2 Agency Determination.

- (1) If the agency should deny eligibility, disapprove the full amount of assistance claimed, or refuse to consider the merits of a claim because of untimely filing or for any other reason, the agency shall include in its written notification to the claimant the reasons for its decision and the procedures for appeal to the Board.
- (2) Any claimant aggrieved by any determination of any agency may request a full written explanation of the agency's determination and the basis therefor if he feels that the explanation offered with the notification of the determination is inadequate. Such request for a full written explanation must be responded to by the agency within fifteen (15) days of its receipt.

§ 3 Limitation on Appeals.

An aggrieved claimant must file a request for review of the determination of the agency with the Board within six (6) months of the date of receipt of the determination.

§ 4 Request for Review.

All requests for review made to the Board shall be in writing, and may be made on forms prescribed by the Board. The request for review shall state in ordinary terms the facts complained of, the error or other defect in the agency's determination and the relief which the claimant seeks. If the claimant cannot prepare, or needs assistance in the preparation of, the written request for review, the agency which rendered the determination shall provide assistance and shall notify the claimant of other sources of assistance. The claimant may include in his written request for review any statement of fact within his knowledge or any other information which may have a bearing on his appeal. Requests for review shall be liberally construed and shall be deemed sufficient if adequate to apprise the Board and agency of the general nature of the complaint.

§ 5 Date of Hearing.

Upon receipt of a conforming request for review the Board shall set a date for a public hearing at the earliest practicable time to consider the aggrieved party's claim. In no event shall the hearing

be scheduled later than ninety (90) days after the receipt of the request for review; however, the claimant may be granted thirty (30) days from the date of his request for review in order to gather and prepare additional material and information, if a reasonable basis can be shown justifying such extension.

§ 6 Notice of Hearing.

No action shall be taken on any appeal until after proper notice of public hearing has been given and a public hearing has been held. Proper notice of a hearing before the Board shall consist of “public notice” by posting in three (3) public places in the City, and written notice by registered mail to the claimant or his agent, to the agency responsible for the determination, and to any other interested party, given at least ten (10) days prior to the date of the hearing and specifying the date, time and place of the hearing.

§ 7 Right of Inspection of Files.

Subject to such reasonable limitations as may be prescribed by the City and County of San Francisco or the agency in question, the claimant or his agent shall be allowed to inspect all files and official records in the custody of the City or agency which bear upon his appeal, except that such right of inspection shall not extend to material the disclosure of which is prohibited by law or other “confidential” materials.

§ 8 Public Hearing.

A claimant may present his appeal personally or may be represented at any and all stages of the appeal proceedings by an attorney, at claimant’s expense. Claimant or his agent may make an oral presentation to the Board, call witnesses, cross-examine opposing witnesses, and offer documentary evidence and affidavits. The Board may take such oral or written statements from such other parties, including representatives of the agency responsible for the determination, as may be helpful in its deliberations. The Board shall make a written summary of the oral presentation and shall include it in the claimant’s file. The proceedings of the Board shall be conducted informally. Rules of evidence applicable in court proceedings shall not apply. The oath or affirmation shall be administered to all witnesses.

§ 9 Report and Recommendations of Board.

- (1) The Board, within fifteen (15) days after the public hearing, shall transmit its report and recommendations, in writing, to the agency responsible for the determination which was the basis of the appeal.
- (2) The written report of the Board shall include (a) the name and address of the aggrieved party, and his agent, if any; (b) a summary of the complaint and a copy of the complaint; (c) a summary of the facts developed at the public hearing and a copy of the notification; (d) comments on the impact of the case, if any, on the project of the City or agency; and (e) recommendations of the Board, supported by specific findings of fact and conclusions of law to enable an adequate reconsideration by the agency.

- (3) The concurring vote of a majority of the members of the Board present shall be sufficient to recommend affirmance, reversal or modification of any determination. No recommendation shall issue except upon a majority vote of the Board.

§ 10 Final Determination.

- (1) The agency responsible for the determination shall expeditiously proceed to give the report and recommendations of the Board all due consideration and shall, within thirty (30) days of their receipt, render a final determination on the matters appealed from.
- (2) The final determination shall include the agency's decision on reconsideration of the claim, in light of the report and recommendations of the Board.
- (3) The final determination shall include a statement of the factual and legal basis of the agency's decision, including any pertinent explanation or rationale for any conclusion which differs from the Board's report.
- (4) If the claim is dismissed on grounds not reaching the merits of the claim or the substance of the Board's report, the agency shall issue a statement explaining the dismissal to the claimant.
- (5) Notice of the final determination of the agency shall be sent promptly to the claimant, the Board and any other interested parties.

Part 4. Criteria for Review

§ 1 Liberal Rule of Construction.

All guidelines and regulations shall be liberally construed by the Board so as to fulfill the legislative purpose of fair and equitable treatment in order that displaced persons not suffer injury as a result of programs designed for the benefit of the public as a whole.

§ 2 Compliance with Applicable Law.

The Board shall make inquiry as to whether all relevant provisions of Federal, State and local law relative to Relocation Assistance have been complied with substantially by the agency.

§ 3 Reasonableness of Determination.

The Board shall consider all the material evidence before it, including written and oral statements submitted by the claimant and the agency, and determine whether, under the circumstances, the determination was reasonable and whether there are exigent circumstances which were not before the agency at the time of its determination.

§ 4 Grounds for Reversal or Modification.

The determination should be modified or reversed if (1) there is found a substantial noncompliance with some applicable law or regulation, or (2) the determination was unreasonable under the circumstances, or (3) exigent circumstances which were not before the agency at the time of the determination warrant a modification or reversal.

§ 5 Establishment of Precedent.

The principles established in a final determination shall be applied to all similar cases, regardless of whether or not a written request for review is submitted to the Board.

Part 5. Miscellaneous

§ 1 Judicial Review.

Upon exhaustion of administrative remedies, nothing in this Chapter shall preclude or limit in any way a claimant's right to seek judicial review of the agency's final determination.