

ARLINGTON COUNTY TENANT RELOCATION GUIDELINES

GOALS

These Relocation Guidelines are established to lessen the adverse effects on Arlington County tenants facing displacement from residential rental properties proposed for demolition, substantial rehabilitation or conversion. Adherence by the owner/developer to these guidelines and assistance to tenants are expected where County approval of funds, and/or site plan approval are expected for the project to proceed. By following these guidelines and fulfilling the commitments presented in a relocation plan, a developer will complete a necessary component in order to receive permit pursuant to such approval from the County. Where development is by right and the owner/developer is not requesting County-approved funding, adherence to these guidelines, although voluntary, is encouraged.

The County considers such guidelines a crucial component of its overall policy of promoting housing opportunities for low and moderate income renters. Tenant displacements may cause hardships for those directly affected and impact the surrounding neighborhoods and other communities within the County.

Therefore, it is the policy of Arlington County to work with the owners/developers of projects to avoid displacing resident households, whenever possible. The County will assist owners/developers in identifying potential sources of public funding at the federal, state or County level to supplement owners/developers' efforts to maintain the affordability of rents for the existing low and moderate income tenant population.

The fundamental goal of the County's relocation policy is to enable displaced tenants to move directly to decent, structurally safe and affordable replacement housing convenient to their place of employment and/or school. When temporary or permanent displacement is unavoidable, open communication and disclosure by all parties will minimize misunderstandings and make the relocation experience less onerous. A frequent obstacle to tenant retention is the increase in rents occasioned by the costs of acquisition/rehabilitation. Another obstacle to tenant retention is the County-wide shortage of multi-bedroom units to accommodate low and moderate income households with children.

County staff will be available to owners/developers for technical assistance on relocation. This may include, but is not limited to, providing assistance in the development of the relocation plan, answering owners/developers' and/or tenants' questions about the relocation, monitoring ongoing relocation and mediation between tenants and owners/developers.

I. SUMMARY

Owners/developers seeking County funding or special development exceptions such as special exception site plan approval are expected to do the following:

- Retain affordable units;
- Develop a relocation plan;
- Complete a tenant questionnaire;
- Communicate intent regarding property;
- Provide tenants with at least 120-day notice to vacate;
- Provide relocation assistance;
- Provide a relocation payment;
- Provide regular reports to County staff.

For owners/developers of by-right projects that require no county approval of funding or special exceptions, adherence to the above steps, although voluntary except for the legally required 120-day notice, is encouraged.

Responsibility for monitoring and reporting on implementation of these Guidelines rests with the Department of Community Planning, Housing and Development (CPHD) supported by other Arlington County departments.

Throughout the process of redevelopment and relocation, occupied structures and properties must be maintained according to Virginia Uniform Statewide Building Code and the Arlington County Condition of Private Property, Noise and Zoning ordinances.

II. APPLICABILITY

These Guidelines state the County Board's expectations for owners or developers assistance to residential tenants affected by changes in the use or condition of their rental units, whether in single family houses or multi-family properties contained in a site plan or a project obtaining funding from the County, when tenant moves are required for:

- Rehabilitation, including but not limited to, electrical, plumbing, building, and mechanical improvements;
- Conversion of rental housing to another use including hotel, motel, commercial, or other use;
- Demolition for redevelopment of a site;
- Sale by contract where the contract requires an empty building.

The guidelines also apply to rented single-family houses where tenancies are terminated because of site plan conditions requiring demolition or conversion of property to commercial, home ownership or multi-family use.

III. GUIDELINES

A. Retain Existing Tenants and Preserving Affordable Housing

Owners/developers should make every attempt possible to retain existing tenants after the property has been renovated or redeveloped. A particular focus should be on lower income tenants who would otherwise have difficulty finding affordable housing elsewhere in Arlington, once displaced. A sample priority ranking system to determine current tenants' eligibility for affordable units in the new development is attached.

For projects requiring County approval of funds or site plans, developers are expected to offer an affordable housing component in the project. The county's approved affordable housing components are outlined in "Targets for Arlington's Affordable Housing Goals." For example, when a complex is located in one of the County's Special Affordable Housing Protection Districts, owners/developers are required to comply with the existing regulations for this particular designation.

Retention of current tenants may also be accomplished by the phasing in of higher rents, offering long-term leases at affordable rents, participating in or assisting tenants with federal or local rent assistance programs.

B. Develop a Relocation Plan

The relocation plan is to be prepared in consultation with County staff and will be approved in conjunction with any County funding or special exception site plan approval. Owners/developers with fewer than 20 units may submit an abbreviated relocation plan that has been developed with County staff in a County-approved format. County staff will provide the approved format for either type of plan.

- Name, address and contact person for the owner/developer/management company and those persons designated to manage the relocation;
- Summary/overview of the project;
- Plans for a tenant questionnaire (See §C. **Complete a Tenant Questionnaire**);
- Projected rents, changes in utility, parking or other charges and new rental policies after the rehabilitation or change in use of the property;
- Measures to be taken to retain existing tenants;
- Information on how the relocation assistance plan will be implemented including staffing, relocation payments, advisory services, eligibility requirements and phasing;
- Project timetables, including descriptions of the scope of work to be done and its phasing;

- Methods to be used to communicate details of relocation plan to tenants with translations, when necessary; and
- Measures planned to minimize construction impact on occupied units, if applicable.

In order to allow sufficient time for staff review and public hearings, it is recommended that the proposed Relocation Plan be provided as soon as possible after application for either public financial assistance or site plan approval. Timely notification to tenants and consultation with them on the circumstances of the relocation and the details of the plan is necessary. A summary of the proposed Relocation Plan should be provided to tenants in English and the other predominant language spoken at the property. Following notification to tenants and staff review of the Relocation Plan, the Tenant-Landlord Commission will hear public comment to consider the views of the tenants, owner/developer, County staff, neighborhood representatives, and any other interested organizations. The owner/developer should be responsible for informing the tenants of the date and time of such meetings and providing copies of the relocation plan summary to the tenants prior to the meeting. The Commission will not make a recommendation on a relocation plan if the developer has not informed the tenants of the proposed plan.

The Tenant-Landlord Commission's recommendations on the basis of this hearing shall be made available to other County Advisory Committees (e.g., Housing, Planning, Human Rights) and to the County Board, prior to the expiration of the 120-day notice period. (See **Provide 120-day Notice to Vacate** below.)

For by-right owners/developers who voluntarily submit relocation plans, it is requested that the plans be submitted prior to the issuance of **120-day** notices (see below) to vacate. Public comment for a Relocation Plan in a by-right development will not be required.

C. Complete a Tenant Questionnaire

The tenant questionnaire is part of the relocation planning process. It can provide useful information for structuring a relocation plan and/or determining affordable housing needs for tenants who may be displaced by the project. The owner/developer and/or the tenant should complete the information on the questionnaire. A summary of the information should be submitted to the County on the attached report form prior to the Tenant-Landlord Commission hearing on the Relocation Plan.

The questionnaire shall include:

- Number of persons (adults and children) in the household;
- Number of separate families in a unit;
- Length of time at the property;
- Total household income;
- Unit size;

- Current rent and utilities; and
- Any rental assistance payments being received by such household.

A sample questionnaire is attached.

A complete summary of the information on the questionnaires, including the following, should be provided on the standardized summary form attached:

- Number of households to be permanently displaced. Households that are permanently displaced are households that, because of income restrictions, would not be able to afford rents in the units being offered at the new complex or because of family size could not be placed in an appropriately sized new unit.
- Number of households to be temporarily displaced; and
- Number of households who will qualify to remain at the site after redevelopment.

D. Communicate Intent Regarding Property

To maximize the opportunity for tenants to understand the impact of the redevelopment and any required relocation and to inform them of the assistance available to obtain alternative housing, owners or developers should inform them of plans as soon as possible through meetings scheduled with the tenants and appropriate County staff. The information about the redevelopment should also be in writing and include:

- The owner/developer's intent regarding the property,
- Required tenant moves, and
- Projected rent changes.

Owners/developers should make arrangements with interpreters and provide translated materials to help non-English speaking persons understand what the owner intends to do with the property. Open communication with tenants about plans for projects can be helpful to both owners and occupants by minimizing rumors and misunderstandings.

E. Provide 120-Day Notice to Vacate

Section 55-222 of the Code of Virginia and the Virginia Condominium Act and Section 55-79.94 (b) as amended in 1980, require **120-days** written notice to vacate to tenants in multi-family buildings or condominiums with at least four residential units if the buildings are to undergo rehabilitation, demolition, sale by contract requiring an empty building, or conversion to commercial use. These Guidelines call for that same notice to be provided to all rental units covered under the above **Applicability** section. Prospective new tenants should be notified in writing of the scheduled date for rehabilitation or change in use at the time of application for a lease.

F. Provide Relocation Assistance

In developments where rehabilitation of existing units causes a rent increase so that units are no longer affordable, owners/developers are expected to assist tenants to find alternative affordable housing. When permanent dislocation of tenants cannot be avoided, it is recommended that assistance, as described in this section, be provided to all potentially affected eligible households. Owners/developers should have dedicated staff or contractors (not including leasing agents) designated to work with the tenants solely on relocation throughout the relocation activity.

1. Eligibility

Tenants who are in residency at the time of County Board approval of funding and/or site plan and who are in compliance with their leases are considered eligible for assistance and benefits. Assistance and benefits will only be provided after receipt of their 120-day notice.

2. Provide Relocation Assistance

Assistance shall be in the form of services and payments:

a. Relocation Services

It is recommended that the following services be provided by owners (with County staff advice, where appropriate):

- Conduct personal interviews with tenants to be relocated to determine relocation needs and preferences;
- Make available current listings of vacant units within the county and bordering jurisdictions within the tenant's ability to pay;
- Provide referrals to available units of interest to tenants including a written explanation of the reason for the displacement and a request for priority by the owner of available units for persons being displaced;
- Provide interpreters to assist tenants with limited English in interviews and in understanding and filling out forms;
- Provide transportation assistance for visiting potential replacement units;
- Provide referral to home ownership programs;
- Provide attention to the special problems of timing moves for families with school age children; and
- Provide moving assistance (trucks and drivers) for moving furnishings, with special attention to elderly and disabled tenants.

The owner/developer should provide staff dedicated to service the tenants' relocation, if not already available. If possible, this staff should be multi-lingual. It is also recommended that relocation assistance services be made available to tenants not only during regular business hours but also by appointment during evenings and weekends to accommodate tenants.

b. Relocation Payments

Owners/developers assume responsibility for reasonable costs directly associated with temporary or permanent moves within or outside the property. The recommended amount of the relocation payments, effective March 2004, are listed below. They will be updated periodically, as necessary.

	Unfurnished	Furnished
Efficiency	\$750	\$390
One-bedroom	\$900	\$450
Two-bedroom	\$1,050	\$500
Three-bedroom	\$1,200	\$550

Tenants whose verified income is below the HUD Very Low Income Limit should receive a payment equal to 150% of the payment schedule, as indicated below:

	Unfurnished	Furnished
Efficiency	\$1,125	\$585
One-bedroom	\$1,350	\$675
Two-bedroom	\$1,575	\$750
Three-bedroom	\$1,800	\$825

Relocation payments, except in the case of hardships, should be paid in two steps. Half of the relocation payment should be paid to the household within fourteen (14) business days of the owner/developer's receipt of a written notice from the tenant of their planned move out date. The second half should be paid on the date the unit is actually vacated and the resident has turned in the keys.

If a tenant demonstrates the need for a relocation payment in order to reduce or avoid a hardship, it is recommended that the owner/developer issue the moving expense payment prior to the move. In order to facilitate the move to a replacement dwelling, payments may be made directly to contractors or landlords upon written request/consent by the tenant.

(1) Temporary Relocation

In the course of a project, where tenants are given the option of moving temporarily and then returning to a renovated affordable unit, it is recommended that the owner provide the tenants with appropriate relocation assistance for each move:

- The tenant has the right to choose one of the following:
 - Actual moving services (moving the tenant's belongings from unit to unit), or
 - Payments to cover the cost of the move, paid as a flat relocation payment based on the previously stated schedule.
- Payment or reimbursement for the transfer of utilities or other actual move-in expenses;
- Security deposit and accrued interest to be applied to the new temporary unit and then again applied to the renovated unit upon return.
- Special attention to the problems of the elderly, disabled and families with children (i.e. packing, timing moves around school schedules, etc.).

Owners/developers should make every effort to minimize the number of temporary moves a tenant is required to make before they can move permanently into a renovated unit. Ideally, the tenant should have to only move from the unrenovated unit to the renovated unit. For new construction, a second move may actually be necessary.

- If the tenant living in a temporary relocation unit no longer qualifies with the eligibility requirements for a renovated affordable unit at the time it is offered due to an increase in income, they would be eligible to receive a relocation payment when they vacate.
- For tenants in a development being renovated who are eligible to remain in the affordable housing being provided and are offered an available unit but voluntarily choose to vacate, only a standard relocation payment would be paid regardless of income.
- If a tenant is offered an appropriate renovated unit and chooses to wait for another unit, causing a temporary move, the tenant would not be entitled to relocation benefits for the additional move.

3. Expedite Return of Security Deposits

When units are being converted or rehabilitated, it is recommended that owners/developers make every effort to refund any security deposit and any accrued interest within 10 business days from the date the unit is vacated. In no event should the security deposit be returned to the tenant any later than 45 days after the tenant vacates the apartment, as required by Virginia law.

G. Provide Regular Reports to County Staff

The County Manager shall report to the County Board quarterly on all activities covered by these Guidelines. The report should include information, as it is available, on households temporarily or permanently relocated and information on the temporarily relocated tenants who have been relocated back to the newly built/renovated complex. This information shall be obtained from the owner/developer. Reports on individual projects shall be produced during the relocation and continue until the relocation has been completed.

Guidelines revised by the Arlington County Board
May 15, 2004

Priority Ranking System for Residents to Remain in or Return to On-Site Affordable Units

Current tenants who are qualified to rent the new affordable units at this property will be given an opportunity to lease new affordable units before they are marketed to the general public.

Residents interested in remaining at or returning to the completed development should be asked to complete a priority waiting list form that includes their name, address and phone number of the leaseholder, information on the current income, household composition, including elderly or disabled individuals, children under 18 years of age, and the length of their tenancy at these apartments. (Completion of this form does not pre-qualify tenants for an affordable unit.)

The relocation service provider will assign preliminary points to each household meeting the following conditions in the following manner:

- 1 point if household contains any children under 18 years of age,
- 1 point if a member of the household is 62 years of age or older,
- 1 point if a member of the household has a disability,
- 1 point if previously displaced by redevelopment in Arlington County,
- Points for years of tenancy as follows:
 - 1 point for 1 year of tenancy,
 - 2 points for 2 years,
 - 3 points for 3 years,
 - 4 points for 4 years,
 - 5 points for 5 years,
 - 6 points for 6 – 10 years,
 - 7 points for over 10 years.

The forms should be kept on file and updated when the household completes an application for an affordable rental unit at the time of leasing.

Applicants meeting the qualification standards and the income eligibility standards for an affordable unit will be placed on a list for a unit of the appropriate size and income category along with other eligible applicants. Applicants with the most points on the list will be contacted and offered an opportunity to schedule an appointment to inspect an available unit. Applicants wanting a unit in a later phase will be returned to the waiting list.

If a resident is offered a suitable unit and refuses to accept the unit, they will forfeit their place on the prioritization schedule and will be placed at the end of the waiting list.

SAMPLE

Tenant Questionnaire

SAMPLE

Name:	Property:
Apartment/Unit Address:	Home Phone: Work Phone:
Number of Bedrooms:	Current rent: \$ /month Utilities: \$ /month
Rental Assistance: Housing Grants Yes No	Section 8: Yes No Other:
Date first moved to property: Month: Year: Total years and months:	
Lease term: Month to month Yes No Long term Yes No Expiration Date:	
Total annual gross income, before taxes or deductions, from all sources for all household members, including wages, commissions, interest, dividends, Social Security, SSI Disability, pensions, TANF (Temporary Assistance to Needy Families), scholarships and other income: \$	
Total number of people (adults and children) living in apartment/home:	
Total number of school age children in apartment/home:	
Total number of adults aged 62 or over:	
Does anyone in the household have a disability:	
If more than one family is living in the unit, would one of the families be willing to relocate to a separate apartment? Yes No	
If yes, who?	
Race (Circle those that apply) White Black/African American Asian American Indian/Alaskan Native Native Hawaiian/Other Pacific Islander American Indian/Alaskan Native & White Asian & White Black/African American & White American Indian/Alaskan Native & Black/African American Other Multiracial	Select one: Hispanic or Non-Hispanic
Primary language spoken in home:	

The information on this form is being collected for statistical and planning purposes only. The questionnaire should be completed by management or the tenant, as necessary. The tenant's refusal to complete the questionnaire will not be cause for adverse treatment. This form must be turned over to the County but the information will be kept confidential and will not be used to discriminate against the tenant or their family. The tenant's completion of this questionnaire is voluntary. If the tenant is uncomfortable answering any question, they should leave it blank.