

ARLINGTON COUNTY TENANT RELOCATION GUIDELINES

SECTION I:	IN GENERAL 1.1 Purpose 1.2 Definitions 1.3 Applicability 1.4 Exemptions
SECTION II:	GUIDELINES 2.1 Retain Existing Tenants and Preserve Affordable Housing 2.2 Complete a Tenant Profile 2.3 Develop a Relocation Plan 2.4 Submit Relocation Plan and Tenant Profile 2.5 Communicate Intent Regarding Property 2.6 Determine Tenant Eligibility and Needs 2.7 Provide Relocation Assistance to Tenants Facing Permanent Relocation 2.8 Provide Relocation Assistance to Tenants Facing Temporary Relocation 2.9 Compliance with Applicable Codes
SECTION III:	PRIORITY RANKING SYSTEM 3.1 Purpose 3.2 Point System
SECTION IV:	COUNTY SERVICES AND REQUIREMENTS 4.1 Staff Services 4.2 Tenant-Landlord Commission 4.3 Monitoring and Reporting Requirements

SECTION I: IN GENERAL

1.1

Purpose.

These Relocation **Guidelines** are established to define requirements for assisting **tenants** facing displacement from residential rental properties proposed for **demolition, rehabilitation or conversion**.

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.

Adherence by the **owner** to these **Guidelines** and assistance to **tenants** is required where County approval of funds, and/or **site plan** approval are expected for the project to proceed. **Owners** seeking County funding or special development exceptions such as **site plan** approval are required to do the following: retain or provide affordable units; develop a relocation plan; communicate intent regarding property; provide **tenants** with at least **120-day notice** to vacate; provide relocation assistance; and provide regular reports to County staff. For **owners of by-right projects** that require no county approval of funding or **site plan** approval or major **site plan** amendments, adherence to the above steps, although voluntary except for the legally required **120-day notice**, is encouraged.

By following these **Guidelines** and fulfilling the commitments presented in a relocation plan, an **owner** will complete one of the necessary requirements for receiving project approval from the County.

1.2

Definitions. In these **Guidelines**, the following words and phrases have the following meanings:

Affordable Housing Ordinance: Section 36H of the Arlington County Zoning Ordinance. The goal is to further the creation and preservation of affordable housing; to facilitate the creation of a convenient, attractive and harmonious community; and to encourage economic development.

By-right: Projects that require no County approval of funding or special exceptions to zoning ordinance.

Conversion: Change of use of any dwelling unit from a residential use to a nonresidential use which results in the displacement of existing tenants or conversion from residential use to another residential use which requires the displacement of existing tenants, such as a conversion to a retirement home where payment for long-term care is a requirement of tenancy, or conversion to an emergency shelter or transient hotel.

Demolition: The destruction of any dwelling unit or the relocation of an existing dwelling unit or units to another site.

Department: Department of Community Planning, Housing and Development

Guidelines: Arlington County Tenant Relocation Guidelines.

Owner: One (1) or more persons, jointly or severally, in whom is vested: 1. All or any part of the legal title to property; or 2. All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

Permanent Relocation: A situation when an eligible household is required to vacate its current unit without the expectation of moving back to the complex. A 120 day notice is required when there is a permanent location.

Rehabilitation: Extensive structural repair or extensive remodeling which requires a building, electrical, plumbing or mechanical permit, and which cannot be done with the tenant in occupancy.

Relocation Assistance: Relocation Payment and Relocation Services.

Site Plan: In certain zoning districts development is allowed by a Special Exception Site Plan. The Site Plan allows development at a higher density and height than allowed by right in that district. The Site Plan is approved by the County Board after a public review process and a public hearing by the Planning Commission.

Tenant: Any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement and includes but is not limited to those persons who are considered to be tenants under Chapter 13.2, Virginia Residential Landlord and Tenant Act, Code of Virginia. For purposes of these Guidelines, "tenant" shall not include the owner of a dwelling unit or members of the owner's household.

Tenant-Landlord Commission: An advisory board to Arlington’s County Board.

Temporary Relocation: A situation when an eligible household is required to vacate its current unit with the expectation of moving back to the complex once new units become available. A 120 day notice is required when there is a temporary location.

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, requires 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 Applicability section.

1.3 Applicability. These **Guidelines** state the County Board’s expectations for **owners’** assistance to **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:

- (a) **Rehabilitation** or Redevelopment;
- (b) **Conversion** of rental housing to nonresidential use;
- (c) **Demolition** for redevelopment of a site;
- (d) Sale by contract where the contract requires an empty building; and
- (e) **Site plan** conditions requiring the **demolition** or **conversion** of a single-family rental property to commercial, home ownership or multi-family use.

For any project involving **Site Plan** approval and/or County approval of funding **owners** must consult with the **Department** to ascertain if a **tenant** relocation plan is necessary.

1.4 Exemptions. These **Guidelines** shall not apply to displacement caused by: Minor **site plan** amendments or administrative changes to **site plans**. These projects shall be considered **by-right** for the purposes of these **Guidelines** (Arlington County Zoning Ordinance Section 36, H 2.a., 2.b., and 2.c.).

SECTION II: GUIDELINES

2.1 Retain Existing **Tenants** and Preserve Affordable Housing. **Owners** are expected to:

- (a) Work in good faith to retain existing **tenants** after the property has been **rehabilitated** or redeveloped. Retention of current **tenants** may include, but not be limited to the phasing in of higher rents, offering long-term leases at affordable rents, or by participating in or assisting **tenants** with federal or local rent assistance programs.
- (b) Work with low-income **tenants** who would otherwise have difficulty finding affordable housing elsewhere in Arlington, once displaced (See Section III: PRIORITY RANKING SYSTEM to determine current **tenants’** eligibility for affordable or market rate units in the new development).
- (c) Comply with the Arlington County **Affordable Housing Ordinance**. Offer an affordable housing component in the project or contribute to funding affordable housing elsewhere in the county when the project requires County approval of funds or **site plans**.

2.2 Complete a **Tenant** Profile. An **owner** is expected to submit a summary of the current **tenant** population to the **Tenant-Landlord Commission** prior to the hearing on the Relocation Plan.

(a) Requirements for the summary **tenant** profile:

- (1) Number of units and unit mixes (1 bedroom, 2 bedroom, etc.);
- (2) Number of families with school-age children and senior citizens;
- (3) Ranges of length of time at the property;
- (4) Predominate languages other than English spoken at the property;
- (5) Number of disabled persons;
- (6) Ranges of household incomes;
- (7) Current rents and utilities;
- (8) Number of households receiving rent assistance;
- (9) 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, would be over income for available affordable units, or because of family size could not be placed in an appropriately sized new unit;
- (10) Number of households to be temporarily displaced; and
- (11) Number of households who will qualify to remain at the site after redevelopment.

2.3

Develop a Relocation Plan. An **owner** must prepare a relocation plan in consultation with **Department** staff. This plan will be reviewed by the **Department** and the **Tenant-Landlord Commission** (See Section IV: COUNTY SERVICES AND REQUIREMENTS).

(a) Requirements for the relocation plan:

- (1) Name, address and contact person for the **owner** and those persons designated to manage the relocation;
- (2) Summary/overview of the project;
- (3) Profile of **tenant** population;
- (4) Projected rents, changes in utility, parking or other charges and new rental policies after the **rehabilitation** or change in use of the property;
- (5) Measures to be taken to retain existing **tenants**;
- (6) Information on how the relocation plan will be implemented including staffing, relocation payments, advisory services, eligibility requirements and phasing;
- (7) Project timetables, including descriptions of the scope of work to be done and its phasing;
- (8) Methods to be used to communicate details of relocation plan to **tenants** with translations, when necessary; and
- (9) Measures planned to minimize construction impact on occupied units, if applicable.

(b) **Owners** with fewer than 20 units may develop an abbreviated relocation plan that has been developed with **Department** staff in a **Department**-approved format.

2.4

Submit Relocation Plan and **Tenant** Profile. The Relocation Plan and **Tenant** Profile must be submitted to the **Department** as soon as possible after application for public financial assistance or application for **site plan** approval.

2.5

Communicate Intent Regarding Property. **Owners** must:

- (a) Provide a written summary of the proposed Relocation Plan to **tenants** in English and other predominant languages spoken at the property. The information about the redevelopment

must include: The **owner's** intent regarding the property, required **tenant** moves, and projected rent changes;

- (b) Meet with **tenants** 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;
- (c) Make arrangements with interpreters and provide translated materials to help non-English speaking persons understand what the owner intends to do with the property;
- (d) Notify prospective **tenants** in writing of the scheduled date for **rehabilitation** or change in use at the time of application for a lease: and
- (e) Following County Board approval of the plan, provide **120-Day Notice to Vacate** in accordance with State Code.

2.6 Determine **Tenant** Eligibility and Needs.

- (a) 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 need only be provided after receipt of the **120-Day Vacate Notice**.
- (b) Assessment of Relocation Needs. Conduct personal interviews with **tenants** to be relocated to determine relocation needs and preferences. The interview should obtain information that includes the following:
 - (1) Number and ages of persons (adults and children) in the household;
 - (2) Length of time at the property;
 - (3) Total household income;
 - (4) Unit size;
 - (5) Current rent and utilities; and
 - (6) Any benefit payments being received by such household.

2.7 Provide **Relocation Assistance** to **Tenants** Facing **Permanent Relocation**.

- (a) Relocation Services: The **owner** should provide staff dedicated to service the **tenants'** relocation, if not already available. If necessary, 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**. The following services should be provided by **owners** (with **Department** staff advice, where appropriate):
 - (1) Make available current listings of vacant units within the county and bordering jurisdictions within the **tenant's** ability to pay;
 - (2) 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;
 - (3) Provide interpreters to assist **tenants** with limited English in interviews and in understanding and filling out forms;
 - (4) Provide transportation assistance, as needed, for visiting potential replacement units;

- (5) Provide referral to home ownership programs;
 - (6) Provide attention to the special problems of timing moves for families with school age children;
 - (7) Provide moving assistance (trucks and drivers) for moving furnishings, with special attention to elderly and disabled **tenants**; and
 - (8) Expedite Return of Security Deposits. **Owners** should 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 State Code.
- (b) Relocation Payments: The recommended amount of the relocation payments are listed below. The Relocation Payment Schedule will be updated periodically, as necessary.

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

- (c) Relocation Payments for **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:

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

- (d) Relocation payments, except in the case of hardships, should be paid in two steps. Half of the relocation payment should be paid to the **tenant** within fourteen (14) business days of the **owner'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 **tenant** has turned in the keys.
- (e) If a **tenant** demonstrates the need for a relocation payment in order to reduce or avoid a hardship, it is recommended that the **owner** 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**.

2.8

Provide Relocation Assistance to **Tenants Facing Temporary Relocation**. **Owners** 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.

- (a) In the course of a project, where **tenants** are given the option of moving temporarily and then returning to a renovated (or market rate) unit, it is required that the **owner** provide the **tenants**

with appropriate relocation assistance for each move. The **owner** has the right to choose one of the following:

- (1) Actual moving services (moving the **tenant's** belongings from unit to unit) and payment or reimbursement for the transfer of utilities or other actual move-in expenses; or
 - (2) Payments to cover costs of the move, paid as a flat relocation payment based on the previously stated schedule.
- (b) 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 (For example due to an increase in income, change in household size, or composition), the **tenant** would be eligible to receive a relocation payment when they vacate.
- (c) 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.
- (d) 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.
- (e) Transfer of Security Deposits. Security deposit and accrued interest must be applied to the new temporary unit and then again applied to the renovated unit upon return.

2.9 Compliance with Applicable Codes. 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.

SECTION III: PRIORITY RANKING SYSTEM

3.1 Purpose.

- (a) The purpose of the Priority Ranking System is to provide **tenants** with an opportunity to remain in or return to on-site affordable units. Current **tenants** who are qualified to rent the new affordable units at the property will be given an opportunity to lease new affordable units before they are marketed to the general public.
- (b) **Tenants** interested in remaining at or returning to the completed development should be asked to complete a Priority Waiting List form. The form should include:
- (1) the **tenant's** name, address and phone number;
 - (2) information on the current income;
 - (3) information on household composition, including elderly or disabled individuals, children under 18 years of age;
 - (4) the length of their tenancy at the property;
 - (5) Information of the number of **tenants** previously displaced by redevelopment in Arlington; and
 - (6) Information as to whether or not the **tenant** is receiving rental assistance.

3.2 Point System.

- (a) The relocation service provider will assign preliminary points to each household meeting the following recommended conditions:

Condition	Point(s)
Child under 18 years of age	1 Point for each child
A member of the household is 62 years of age or older.	2 Points
A member of the household has a disability.	2 Points
Previously displaced by redevelopment in Arlington County	1 Point
Household currently receives rental assistance	1 Point
Years of tenancy:	
1 Year	1 Point
2 Years	2 Points
3 Years	3 Points
4 Years	4 Points
5 Years	5 Points
6 – 10 Years	6 Points
11 Years and Over	7 Points

- (b) Priority Waiting List forms should be kept on file and updated when the household completes an application for an affordable rental unit at the time of leasing.
- (c) Completion of the priority waiting list form does not pre-qualify **tenants** for an affordable unit.
- (d) 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.
- (e) 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.

SECTION IV: COUNTY SERVICES AND REQUIREMENTS

4.1 Staff Services.

- (a) Technical Assistance. **Department** staff will be available to **owners** for technical assistance on relocation. This may include, but is not limited to:
 - (1) providing assistance in the development of the relocation plan;
 - (2) answering **owners'** and/or **tenants'** questions about the relocation;
 - (3) monitoring ongoing relocation; and
 - (4) providing mediation services between **tenants** and **owners**.

4.2 Tenant-Landlord Commission.

- (a) Hearing. Following notification to **tenants** and **Department** review of the Relocation Plan, the **Tenant-Landlord Commission** will hear public comment to consider the views of the **tenants**, **owner**, **Department**, neighborhood representatives, and any other interested organizations. The requirements are as follows:
 - (1) This meeting should take place no less than two weeks after tenants have received a summary and a briefing of the relocation plan;
 - (2) The **owner** is 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 **Tenant-Landlord Commission** will not make a recommendation on a

relocation plan if the **owner** has not informed the **tenants** of the proposed plan in a timely fashion;

(3) For **by-right owners** who voluntarily submit relocation plans, it is requested that the plans be submitted prior to the issuance of **120-day notices** to vacate.

(b) Recommendations. The **Tenant-Landlord Commission's** recommendations on the basis of this hearing shall be made available to the County Board. Final County Board action on the relocation plan and the full project and subsequent issuance of **120-day notices** should not be taken until the **Tenant-Landlord Commission** has made its recommendation.

(c) The **Tenant-Landlord Commission** will also work with the **Department** to both mediate disputes between **tenants** and **owners** and to monitor the relocation process.

4.3

Monitoring and Reporting Requirements.

(a) During the relocation process, the **owner** shall provide quarterly reports to the **Department**. The report shall 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.

(1) Reports on individual projects shall be produced during the relocation and continue until the relocation has been completed.

(b) The County Manager shall report to the County Board quarterly on all activities covered by these **Guidelines**. Responsibility for monitoring and reporting on implementation of these **Guidelines** rests with the **Department** supported by other Arlington County departments.