

ARLINGTON COUNTY CODE

Chapter 37

RELOCATION ASSISTANCE IN REAL PROPERTY ACQUISITIONS*

* **Editors Note:** Ord. No. 83-30, adopted Nov. 19, 1983 enacted Ch. 37, §§ 37-1--37-11, to read as herein set forth. The former provisions of Ch. 37, § 37-1, relative to the keeping of inoperative automobiles and parts thereof on residential property, have been deemed by the editors to be superseded by provisions of Ord. No. 85-43, adopted Dec. 7, 1985, and effective Feb. 1, 1986, codified as § 10-22. Said former section 37-1 was derived from legislation adopted and effective May 28, 1969.

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§ 37-1. How Chapter Cited.

This chapter may be cited as the "Relocation Assistance in Real Property Acquisitions Ordinance."
(Ord. No. 83-30, 11-19-83)

§ 37-2. Purpose and Declaration of Policy.

The purpose of this chapter is to establish a policy to provide relocation assistance to certain persons who are displaced as a result of locally funded County programs or projects involving the acquisition of real property.
(Ord. No. 83-30, 11-19-83)

§ 37-3. Application of Chapter.

A. The provisions of this chapter shall be applicable to the acquisition of real property by the County in projects or programs in which only County funds are used and for which a resolution to acquire said real property by eminent domain proceedings has been adopted by the County.

B. This chapter shall not apply to acquisitions by the County which are voluntarily initiated or negotiated by the seller under no threat of condemnation, where property is dedicated pursuant to the provisions of Chapter 11 of Title 15.1, Virginia Code Annotated (1950), or where property is voluntarily dedicated or donated for no consideration; provided, however, that the provisions of this chapter shall apply for the benefit of persons, other than the owner, who are actually and lawfully occupying the real property to be acquired and who have been occupants thereof for at least ninety (90) days prior to the initiation of negotiations for acquisition notwithstanding that said real property was acquired without the eminent domain resolution required by subsection A of this section.
(Ord. No. 83-30, 11-19-83)

§ 37-4. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“County” means the County Board of Arlington County, Virginia.

“Person” means any individual, partnership, corporation, or association.

“Displaced person” means any person, who, on or after March 25, 1983, moves from real property, or moves such person's personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the County to vacate real property, for any program or project undertaken by the County; and solely for the purposes of § 37-5 A and B, as a result of the acquisition of or as the result of the written order of the County to vacate other real property on which such person conducts a business operation, for such program or project.

“Business” means any lawful activity conducted primarily:

- (1) For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;
- (2) For the sale of services to the public;
- (3) By a nonprofit organization.

“Mortgage” means such 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.
(Ord. No. 83-30, 11-19-83)

§ 37-5. Payments for Moving and Relocation Expenses.

A. Whenever the acquisition of real property for a program or project undertaken by the County will result in the displacement of any person, on or after March 25, 1983, the County shall make fair and reasonable relocation payments to displaced persons as required by this chapter for:

1. Actual reasonable expenses in moving himself, such person's family, business, or other personal property;
2. Actual direct losses of tangible personal property as a result of moving or discontinuing a business but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property as determined by the County; and
3. Actual reasonable expenses in searching for a replacement business.

B. Any displaced person eligible for payments under subsection A of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection A of this section may receive a moving expense allowance, determined according to a schedule established by the County, not to exceed three hundred dollars (\$300.00); and a dislocation allowance of two hundred dollars (\$200.00).

C. Any displaced person eligible for payments under subsection A of this section who is displaced from such person's place of business and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection A of this section, may receive a fixed payment in the amount equal to the average annual net earnings of the business except that such payment shall not be less than twenty-five hundred dollars (\$2,500.00) nor more than ten thousand dollars (\$10,000.00). No payment shall be made under this subsection unless the County is satisfied that the business:

1. cannot be relocated without a substantial loss of its existing patronage, and
2. is not a part of a commercial enterprise having at least one (1) other establishment not being acquired by the County which is engaged in the same or similar business.

For purposes of this subsection, the term "average annual net earnings" means one-half (1/2) of any net earnings of the two (2) taxable years immediately preceding the taxable year in which such business moves from the real property acquired for such project, or during such other period as the County determines to be more equitable for establishing such earnings, and includes any compensation paid by the business to the owner, or the owner's spouse or dependents during such period.

(Ord. No. 83-30, 11-19-83)

§ 37-6. Additional Payments to Enable Displaced Persons to Acquire Dwellings.

A. In addition to payments otherwise authorized by this chapter, the County shall make an additional payment not in excess of fifteen thousand dollars (\$15,000.00) to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred eighty (180) days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

1. The amount, if any, which when added to the acquisition cost of the dwelling acquired, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market.
2. The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the County was encumbered by a bona fide mortgage which was a valid lien, on such dwelling for not less than one hundred eighty (180) days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.
3. Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

B. The additional payment authorized by this section shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one (1) year period beginning on the date on which such person receives final payment of all costs for the acquired dwelling, or on the date on which such person moves from the acquired dwelling, whichever is the later date.

(Ord. No. 83-30, 11-19-83)

§ 37-7. Additional Payments to Certain Persons Not Eligible for Payments under § 37-6.

In addition to amounts not otherwise authorized by this chapter, the County shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under § 37-6 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety (90) days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either:

- A. The amount necessary to enable such displaced person to lease or rent for a period not to exceed

four (4) years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to such person's place of employment but not to exceed four thousand dollars (\$4,000.00), or

- B. The amount necessary to enable such person to make a down payment, including incidental expenses described in § 37-6.A.3, on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed four thousand dollars (\$4,000.00), except that if such amount exceeds two thousand dollars (\$2,000.00), such person must equally match any such amount in excess of two thousand dollars (\$2,000.00) in making the down payment.

(Ord. No. 83-30, 11-19-83)

§ 37-8. Administration of Relocation Assistance Program and Payments.

The County Manager shall administer the relocation assistance and payments program.

(Ord. No. 83-30, 11-19-83)

§ 37-9. Funds for Carrying Out Provisions of this Chapter.

Funds appropriated or otherwise available to the County for the acquisition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of this chapter as applied to that program or project.

(Ord. No. 83-30, 11-19-83)

§ 37-10. Authority of Agency Where Replacement Housing Not Available; Requiring Person to Move.

A. If a project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and it is determined by the County Manager that such housing cannot otherwise be made available, the County Manager may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

B. No person shall be required to move from such person's dwelling on or after March 25, 1983, on account of any project unless the County is satisfied that replacement housing is available to such person.

(Ord. No. 83-30, 11-19-83)

§ 37-11. Rules and Regulations.

The County Manager shall promulgate such rules and regulations as are necessary to carry out the provisions of this chapter.

(Ord. No. 83-30, 11-19-83)