

ARLINGTON COUNTY CODE

Chapter 45

INOPERATIVE STATUTES AND CONDOMINIUM CONVERSION

§ 45-1. Sunday Closing Law Inoperative.

§ 45-2. Extension of Leases for Elderly and Disabled Persons in Conversion Cooperatives and Condominiums.

§ 45-3. Relocation Expenses for Tenants Displaced by Condominium or Cooperative Conversion.

§ 45-1. Sunday Closing Law Inoperative.

The sense of the citizens of Arlington County as established by a referendum held on November 5, 1974, is that the Sunday closing law as provided for by § 18.1-363.1 of the Code of Virginia (1950) as amended, is not necessary, and said law shall have no force or effect within Arlington County.
(12-21-74)

§ 45-2. Extension of Leases for Elderly and Disabled Persons in Conversion Cooperatives and Condominiums.

A. *Definitions.* The terms used in this section respecting condominiums shall have the same meaning as those terms have when used in Chapter 4.2 of Title 55 of the Code of Virginia and the terms used respecting cooperatives shall have the same meaning as is given to those in Chapter 24 of Title 55 of the Code of Virginia. The definitions stated therein for "elderly" and "disabled" are as follows:

“Elderly” means a person not less than sixty-two (62) years of age.

“Disabled” means a person suffering from a severe, chronic physical or mental impairment which results in substantial functional limitations.

B. At the time required for notice to tenants of conversion of any apartments or other dwelling units to condominium or cooperative, the developer of such conversion project shall offer leases or extensions of leases to elderly and disabled persons who occupy any units to be converted on the terms and conditions stated in the following paragraph C.

C. The leases or extension shall be offered for up to three (3) years, (composed of one (1) year terms with extensions up to three (3) years at tenant's option), or such lesser period as the tenant may choose, from the date of the notice for the unit occupied by each of the elderly or disabled persons or a unit of at least the same approximate size, number of bedrooms, and overall quality. Notwithstanding the foregoing, the tenant may vacate upon thirty (30) days notice up to the extent of the term of the lease. The terms and conditions of the leases shall be as agreed upon by the lessor and lessee, provided that the rent for such apartment or unit shall not be in excess of reasonable rent for comparable unrenovated units for the same time period in the same market area as such conversion building.

D. This requirement shall not be imposed so as to require that any more than twenty percent (20%) of the apartments or units in a conversion project shall be leased to elderly or disabled persons. Such leases or extensions shall not be required in the case of any apartments or units which will, in the course of conversions, be substantially altered in physical layout, restricted exclusively to nonresidential use, or rendered legally uninhabitable because of renovation or rehabilitation which the declarant intends in good faith to perform.

E. *Exemptions.* A declarant of a condominium or cooperative conversion shall be exempt from the requirements of this section if he is preserving a minimum of twenty percent (20%) of the apartments or units in the conversion for occupancy by low and moderate income households for a minimum of ten (10) years. A household shall qualify as a "low and moderate income household" either under the definition of the U.S. Department of Housing and Urban Development or under the following definition:

"A household whose income does not exceed eighty percent (80%) of the median income for similarly sized households in the Washington Standard Metropolitan Statistical Area."

F. *Effective date.* This section shall apply to condominium or cooperative conversions for which application is made to the Virginia Real Estate Commission for an initial certificate of registration or subsequent registration on or after July 1, 1982.
(Ord. No. 82-30, 6-28-82)

§ 45-3. Relocation Expenses for Tenants Displaced by Condominium or Cooperative Conversion.

A. *Definitions.* The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

1. "Conversion condominium" means a condominium containing structures which, before the recording of the condominium declaration, were wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of such purchasers.
2. "Conversion cooperative" means a building that at any time before creation of the cooperative was occupied wholly or partially by persons other than purchasers and persons who occupy with the consent of purchasers.
3. "Declarant" means any or all person(s) acting in concert who:
 - a. Offer to dispose of his or its interest in a condominium unit not previously disposed of, in the case of a condominium, or who, in the case of a cooperative, as a part of a common promotional plan, offer to dispose of his or its cooperative interest not previously disposed of;
 - b. Reserves or succeeds to any special declarant right; or
 - c. Applies for registration of the condominium under the Condominium Act or applies for registration of a cooperative under the Virginia Real Estate Cooperative Act, as the case may be.
4. "Tenant" means a person or persons entitled under a rental agreement to occupy a dwelling unit to the exclusion of others. All persons who occupy the same dwelling unit are considered to be a single tenant for purposes of this section.
5. "County Manager" means the County Manager of Arlington County, or any of his designees.

B. The declarant shall reimburse any tenant displaced by a condominium or cooperative conversion for amounts actually expended to relocate as a result of such dislocation. Such reimbursement shall not exceed the amount provided for in § 25-239(b) of the Code of Virginia, which as of July, 1982 is five hundred dollars (\$500.00). With the tenant's agreement, a payment may be made based on other than actual expenses.

C. The monetary limits provided for in paragraph B above shall be automatically adjusted to conform to future revisions of corresponding monetary benefits under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) as provided for in § 25.1-415 of the Code of

Virginia.

D. Reimbursable expenses shall include, by way of illustration but not limitation, items such as the following: deposits and connection fees for telephones and utilities; the cost of packing, transporting and unpacking; insurance coverage on goods transported during the move.

E. For purposes of this section a tenant shall not be deemed to have been "displaced by a condominium or cooperative conversion" within the meaning of subsection B above:

1. Unless and until the said tenant has first been given a notice to vacate in accordance with the Virginia Condominium Act or Virginia Real Estate Cooperative Act, and in fact, vacates his unit in accordance with the time set forth in said notice (or subsequent notice);
2. If the declarant, at declarant's expense, relocates said tenant to another apartment or unit with the tenant's consent;
3. If the declarant has, prior to the time of lease execution, notified tenant that the apartment or unit he is about to rent is or is about to be converted and tenant waives relocation assistance benefits. Any such waiver in order to be effective, must be in writing and must be typed or printed in a conspicuous manner on a separate sheet of paper and separately signed or initialed by tenant and appended to the lease or rental agreement. A copy of the waiver and attached lease is to be provided to tenant.

F. The County Manager shall be responsible for the administration of this section.

G. *Effective date.* Tenants who receive a notice to vacate issued in accordance with Chapter 4.2 (the Condominium Act) or Chapter 24 (the Virginia Real Estate Cooperative Act) of the Code of Virginia on or after July 1, 1982, shall be entitled to the benefits provided in this section.
(Ord. No. 82-29, 6-28-82)