

## ARLINGTON COUNTY TENANT RELOCATION GUIDELINES

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**SECTION I: IN GENERAL**

**1.1 Purpose.** These Guidelines are established to set standards and provide administrative guidance for Owners assisting Tenants facing displacement from residential rental properties proposed for:

- (a) **Rehabilitation** or redevelopment;
- (b) **Conversion** of rental housing to nonresidential use;
- (c) **Demolition** for rebuilding a site; and
- (d) **Sale** by contract where the contract requires an empty building.

Arlington County (the “County”) considers such Guidelines a crucial component of its overall policy to promote housing opportunities for very low-, low-, and moderate-income renters. Tenant displacements cause hardships for those directly affected, and negatively impact the surrounding neighborhoods and other communities within the County. It is the policy of the County to work with project owners to avoid tenant displacements, whenever possible.

When Tenant displacements are unavoidable, advance disclosure and open communication by all parties will minimize misunderstandings and make the relocation experience less onerous. The fundamental goal of the County’s relocation policy set forth in these Guidelines 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.

**1.2 Applicability.** Adherence to the Guidelines is mandatory for Owners proposing projects which require Arlington County Board (“County Board”) approval. Owners proposing by-right developments, which do not require County Board approval, are strongly encouraged (although not required) to follow the Guidelines.

**1.3 Consultation.** For any project involving Tenant displacement, Owners are expected to consult with County Staff to determine the best course for retaining existing Tenants after a project is completed, while preserving affordability. Owners will be asked to consider measures such as offering long-term leases at affordable rents, participating in or assisting Tenants with federal or local rent assistance programs, phasing in higher rents, or requesting the establishment of a Tenant Assistance Fund (TAF). County Staff also will ascertain if a Relocation Plan is required and what form of Tenant assistance will be provided by the Owner under the Relocation Plan.

In all projects where Tenants face displacement, Owners will be required or expected to do one or more of the following:

- (a) Communicate their intent regarding the property to the Tenants;
- (b) Develop a Relocation Plan;
- (c) Provide Tenants with at least 120-Day Notice to Vacate;
- (d) Provide Relocation Assistance in the form of payments and/or services; and
- (e) Provide regular reports to County Staff.

**1.4 Definitions.** In these Guidelines, the following terms shall have the meaning assigned to them, such definitions to be applicable equally to the singular and the plural forms of such terms and to all genders:

**“Actual Household Size”** means the actual number of persons in the applicable household.

**“Area Median Income” or “AMI”** means the median income for the Washington, DC metropolitan statistical area, adjusted for Actual Household Size, as published annually by HUD.

**“By-Right Development”** means a project which does not require County Board approval.

**“Conversion”** means 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.

**“County Staff”** means Arlington County Housing Division personnel, including the County Relocation Specialist in charge of overseeing relocation projects.

**“Demolition”** means the destruction of any dwelling unit or the relocation of an existing dwelling unit or units to another site.

**“Department”** means the Arlington County Division of Community Planning, Housing and Development.

**“Eligible Tenant”** means Tenants who are residents of the existing property at the time the Relocation Plan is submitted for approval to the County Manager or his designee, and in compliance with their leases.

**“Guidelines”** means the Arlington County Tenant Relocation Guidelines.

**“HUD”** means the United States Department of Housing and Urban Development.

**“Low- or Moderate- Income Household”** means a household whose annual gross income does not exceed eighty percent (80%) of the Area Median Income, adjusted for actual household size.

**“Owner”** means the owner, developer, or applicant for the proposed project, and all successors and assigns.

**“Permanent Relocation”** means a situation when a Tenant is required to vacate his/her current unit without the expectation of moving back to the property after the project is completed.

**“Permanently Displaced Tenant”** means a Tenant that because of income restrictions, would not be able to afford to rent a unit at the property after the project is completed (or after TAF expires, if applicable), or would be over-income for available affordable units, or because of family size or unit mix could not be placed in an appropriately sized new unit.

**“Priority Waiting List”** means a list maintained by the Owner of qualified Tenants seeking to rent a unit at the property after the project is completed based on the number of points assigned to each household.

**“Rehabilitation”** means 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”** means relocation payment(s) and/or relocation services.

**“Temporary Relocation”** means a situation when a Tenant is required to vacate his/her current unit with the expectation of moving back to the property after the project is completed or units become available.

**“Tenant”** means any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement or month-to-month tenancy and includes, but is not limited to, those persons who are 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 Assistance Fund" or "TAF"*** means a fund to provide rent assistance on behalf of qualified families who might be displaced due to one of the conditions of the Relocation Plan.

***"Tenant-Landlord Commission"*** means a nine-member commission appointed by the Arlington County Board which reviews and makes recommendations regarding Relocation Plans; hears grievances and facilitates disputes between Tenants and landlords; provides advice on Tenant and landlord relations; and advises the County Board on policy and programs.

***"Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" or "URA"*** means a federal law which establishes minimum standards, including a Fixed Moving Cost Schedule, for protecting and assisting displaced Tenants from their homes in federally funded projects.

***"URA Fixed Residential Moving Cost Schedule"*** means a breakdown of fixed moving cost payments made to a displaced Tenant as an alternative to a payment for actual moving and related expenses.

***"Very Low-Income Household"*** means a household whose annual gross income does not exceed fifty percent (50%) of the Area Median Income, adjusted for actual household size.

***"Virginia Residential Landlord and Tenant Act"*** means a Virginia law governing the rental of dwelling units and the rights and obligations of landlords and tenants, which is applicable to occupancy in all single-family and multi-family residential dwellings units located in the Commonwealth of Virginia, unless the landlord owns no more than two single-family residential dwelling units and has opted out of the Act by so stating in the rental agreement with the tenant.

***"120-Day Notice to Vacate"*** means a written notice provided to all Tenants who reside in a building proposed for demolition, conversion or rehabilitation that they have 120 days from the date of the notice to vacate the premises.

## SECTION II: Relocation Plan

- 2.1 Relocation Plan Requirements.** A Relocation Plan is required for any project subject to the Virginia Residential Landlord and Tenant Act which results in Tenant displacement.
- 2.2 Communicate Intent Regarding the Property.** The first step in developing a Relocation Plan is for the Owner to communicate its intent regarding the property by:
- (a) Providing a written summary of the proposed project to the Tenants which includes, among other things, the Owner's plans for Tenant relocation and projected rent changes;
  - (b) Meeting with Tenants to maximize the opportunity for Tenants to understand the impact of the project and any required relocation, and to inform them of available assistance to obtain alternative housing; and
  - (c) Retaining interpreters to speak with Tenants and provide written materials translated into languages prevalent at the property to help non-English speaking Tenants understand what the Owner intends to do with the property; and
  - (d) Notifying prospective Tenants in writing of the scheduled date for commencement of the project at the time of application for a lease; and
- 2.3 Assessment of Tenant Needs and Preferences.** In addition, the Owner shall conduct a personal interview with each Tenant and obtain the following information:

- (a) Number and ages of persons (adults and children) in the household;
- (b) Length of time at the property;
- (c) Total household income;
- (d) Unit size;
- (e) Current rent and utilities;
- (f) Any benefit payments being received by such household; and
- (g) Housing preferences.

**2.4 Complete a Tenant Profile.** After meeting with Tenants and assessing their needs, the next step in developing a Relocation Plan is for the Owner to complete a Tenant Profile.

- (a) The Tenant Profile will include, at a minimum, the following:
  - (1) Number of units and unit mixes (1 bedroom, 2 bedrooms, etc.);
  - (2) Number of families with school-age children and senior citizens;
  - (3) Ranges of length of time each Tenant has resided at the property;
  - (4) Predominant 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 temporarily relocated;
  - (10) Number of households to be permanently relocated;
  - (11) Number of households likely to qualify to return to the property after the project is completed; and
  - (12) Number of households to be permanently displaced.

**2.5 Develop a Relocation Plan.** Once the Tenant Profile is completed, the Owner, in consultation with County Staff, will develop a Relocation Plan.

- (a) The Relocation Plan will include, at a minimum, the following:
  - (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) Anticipated changes after the renovation, including projected rents, utilities, parking, rental policies, affordability mix and property use;
  - (5) Measures to be taken to retain existing Tenants;
  - (6) Information on how the Relocation Plan will be implemented including staffing, eligibility requirements, relocation payments, relocation services, and alternative housing;
  - (7) Project timetables, including descriptions of the scope of work to be done;
  - (8) Move-out procedures and phasing;
  - (9) Methods to be used to communicate details of Relocation Plan to Tenants with translations, when necessary (see Section 2.2);
  - (10) Measures planned to minimize construction impact on occupied units (if applicable); and
  - (11) Tenant Assistance Fund (if applicable).
- (b) The Relocation Plan also will include the Tenant Profile, Priority Ranking System information; and a standardized move-in letter advising new Tenants of the planned project and Tenant relocation.

**2.6 Tenant-Landlord Commission.** Following County Staff review of the Relocation Plan, the Tenant-Landlord Commission will hear public comment regarding the Relocation Plan at a regular meeting of the Tenant-Landlord Commission.

- (a) The Owner is responsible for informing the Tenants of the date and time of the meeting and providing copies of a summary of the Relocation Plan to the Tenants two weeks prior to the scheduled meeting date.
- (b) The Tenant-Landlord Commission will not consider a Relocation Plan if the Owner does not inform the Tenants of the meeting and provide a Relocation Plan summary in a timely fashion.
- (c) The Relocation Plan will be considered at two separate Tenant Landlord meetings. At the first, the Tenant-Landlord Commission will make recommendations regarding the Relocation Plan based on comments by the Tenants, Owner, neighborhood representatives and any other interested organizations at the meeting, as well as comments received from County Staff.
- (d) At the second, usually subsequent, meeting, the Tenant-Landlord Commission also will recommend approval of the Relocation Plan if appropriate
- (e) The Relocation Plan must be submitted for approval to the County Manager or his designee no later than three (3) months prior to the issuance of the 120-Day Notice to Vacate.
- (f) Relocation Plans which deviate from the Guidelines will require County Board approval.
- (g) The Tenant-Landlord Commission also will work with County Staff to facilitate communication between the Tenants and Owner and monitor the relocation process.
- (h) When Relocation Plan is approved by the County Manager or his designee, an letter will be sent to Owner, along with Tenant Landlord Commission letter with recommendations.

**2.7 Eligibility.**

- (a) Only Tenants who are residents of the existing property at the time the Relocation Plan is submitted for approval to the County Manager or his designee, and in compliance with their leases, will be eligible to receive Relocation Assistance.
- (b) The Owner will provide written notification of ineligibility for Relocation Assistance to any Tenant who executes a lease after the Relocation Plan is submitted for approval. The notification and acknowledgement of ineligibility will be provided to the Tenant no later than at the time the lease is signed.

**2.8 Provide the 120-Day Notice to Vacate.** The Owner is required to provide all Tenants (regardless of eligibility) with a 120-Day Notice to Vacate.

- (a) If Tenants are displaced from multi-family buildings containing four or more units and Tenants are under a lease (as opposed to month-to-month), Virginia Code §55-222 mandates a 120-Day Notice to Vacate.
- (b) In cases where Virginia law mandates a 120-Day Notice to Vacate, the Notice shall not be contained in the lease but shall be a separate writing.
- (c) Relocation Assistance need only be provided after the Tenant’s receipt of the 120-Day Notice to Vacate.

**SECTION III: RELOCATION ASSISTANCE**

**3.1 Relocation Assistance for Eligible Tenants Facing Permanent Relocation.**

(a) **Relocation Services:** The Owner shall provide staff dedicated to service Tenants who will be permanently relocated. If necessary, staff should be multilingual. It is also recommended that Relocation 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 County 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 and any accrued interest within 10 business days from the date the unit is vacated; or facilitate the transfer of a security deposit as needed. In no event, should the security deposit be returned to the Tenant any later than 45 days after the Tenant vacates the unit, as required by the Virginia State Code.

(b) **Relocation Payments:** All Eligible Tenants facing Permanent Relocation will receive a one-time relocation payment per household in accordance with the Tables and terms set forth below. Payments for unfurnished units are listed in Table 1 and Table 2. Room count will include the number of bedrooms, living/dining room, den and kitchen (even in efficiency/studio units). For example, a one-bedroom apartment may include one bedroom, a living room and a kitchen, or three rooms. The payments in these Guidelines will be indexed to the URA Fixed Residential Moving Cost Schedule and will be updated whenever the URA schedule changes.

Relocation Payments (Table 1)	
Number of Rooms	Payments
1 room	\$700
2 rooms	\$940
3 rooms	\$1,125
4 rooms	\$1,320
5 rooms	\$1,500

(c) **Relocation Payments for HUD Very Low-Income Tenants:** Tenants whose verified income does not exceed the HUD Very Low-Income Household threshold will receive a payment equal to 150% of the payment schedule, as indicated below:

Relocation Payments HUD Very Low-Income Tenants (Table 2)	
Number of Rooms	Payments
1 room	\$1,050
2 rooms	\$1,410
3 rooms	\$1,688
4 rooms	\$1,980
5 rooms	\$2,250

- (d) Relocation Payments for furnished units also will follow the URA Fixed Residential Moving Cost Schedule, based on \$400 for the first room, plus \$75 for any additional room. Dens and kitchens are not included in room counts for furnished units.
- (e) Relocation payments, except in the case of hardship, will be paid in two steps. Half of the relocation payment will 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 will be paid on the date the unit is vacated and the Tenant has turned in the keys.
- (f) If a Tenant demonstrates the need for a relocation payment 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.

**3.2 Relocation Assistance for Eligible Tenants Facing Temporary Relocation.**

- (a) All Eligible Tenants facing Temporary Relocation will receive Relocation Assistance for each move. Owners should make every effort to minimize the number of temporary moves a Tenant is required to make. Ideally, Tenants facing Temporary Relocation should have to move only twice. If additional moves are necessary (which are not the Tenant's choice), the Owner will be required to provide Relocation Assistance for any additional moves.
- (b) The Owner has the option to choose one of the following forms of Relocation Assistance for each Tenant move:
  - (1) Actual moving services (moving the Tenant's belongings from unit to unit) and payment or reimbursement for the transfer of utilities and other expenses incidental to the move; or
  - (2) A flat relocation payment, based on Table 1 or Table 2 (depending on Tenant income).
- (c) If a Tenant is no longer qualified to move back to the property after the project is completed (i.e., due to a change in income, change in household size, or composition), the Tenant will receive Relocation Assistance for two moves (the move from the existing property to the temporary unit and the move from the temporary unit to wherever the tenant finds permanent housing).
- (d) If a Tenant is qualified to move back to the property after the project is completed, but chooses not to, the Tenant will receive Relocation Assistance for two moves (the move from the existing property to the temporary unit and the move from the temporary unit to wherever the tenant finds permanent housing).
- (e) If a Tenant is qualified to move back to the property after the project is complete but chooses to wait for a different unit which results in an additional temporary move, the Tenant will receive Relocation Assistance for only two moves (the move from the existing property to the temporary unit and the move from the temporary unit back to the property once the tenant's unit of choice is completed). The Tenant will not be entitled to Relocation Assistance for the move to a second temporary unit.

**SECTION IV: PRIORITY RANKING SYSTEM**

**4.1 Develop a Priority Ranking System.** The purpose of the priority ranking system is to provide current Tenants an opportunity to lease units at the property after the project is completed. Qualified current Tenants will be offered the opportunity to lease units before they are marketed to the public.

- (a) Tenants interested in renting units at the property after the project is completed, or units become available, will be asked to provide the following information which the Owner will use to create a Priority Waiting List:



- (1) Tenant’s name, address, phone number and other contact information;
- (2) Current income;
- (3) Household composition, including elderly or disabled individuals, and children under 18 years of age;
- (4) Length of tenancy at the property;
- (5) Number of Tenants previously displaced by redevelopment in Arlington; and
- (6) Current rental assistance.

4.2 **Point System.** The Owner will assign points to each Tenant household based on the following criteria:

<b>Points System (Table 3)</b>	
<b>Criteria</b>	<b>Point(s)</b>
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

- (a) The Owner will maintain the Priority Waiting List and update it as new Tenants are added to the List.
- (b) Being on the Priority Waiting List does not necessarily guarantee that a unit will be offered to the Tenant.
- (c) Tenants meeting the qualifications for a unit will be placed on the Priority Waiting List for a unit of the appropriate size and income category.
- (d) As units become available, Tenants will be contacted in order of priority to schedule an appointment to inspect the unit.
- (e) If a Tenant is offered a unit, but chooses to wait for a different unit, the Tenant will be placed at the end of the Priority Waiting List.

**SECTION V: COUNTY SERVICES AND MONITORING**

5.1 **County Staff Services.** County Staff will be available for technical assistance in developing and implementing Relocation Plans and providing Tenant services. This may include, but is not limited to:

- (a) Aiding in the development of the Relocation Plan;
- (b) Answering Owners’ and/or Tenants’ questions about the relocation;
- (c) Monitoring ongoing relocation; and
- (d) Facilitating communication between Tenants and Owners.

5.2 **Monitoring and Reporting Requirements.** During the relocation process, the Owner shall provide monthly reports to County Staff which include information, as it is available, on all Tenant households which have been temporarily or permanently relocated, as well as information on temporarily relocated Tenants who have been relocated back to the property.

Such reports on individual projects shall be produced throughout the relocation process and continue until the relocation has been completed and shared with the Tenant-Landlord Commission.