



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 25, 2009**

DATE: April 8, 2009

SUBJECT: Arlington County Tenant Relocation Guidelines

C. M. RECOMMENDATION:

Adopt the revised Arlington County Tenant Relocation Guidelines as policy guidelines for relocation assistance in Arlington (Attachment A).

ISSUE: County Board approval is needed for non-substantive changes to the Arlington County Tenant Relocation Guidelines. No issues have been identified.

SUMMARY: The Tenant-Landlord Commission in conjunction with staff is recommending several clarifying revisions to the Arlington County Tenant Relocation Guidelines. The Guidelines call for owners of multi-family rental properties to assist tenants dislocated due to housing demolition, substantial rehabilitation or conversion. The revised Guidelines attempt to clarify the procedures contained in the current version, last approved by the County Board in 2004 (Attachment B). Specifically, the revised Guidelines attempt to define key terms, make conforming stylistic and technical changes, and clarify the expectations and roles of all those involved in the relocation process. No substantive changes to policies, standards, or procedures are recommended.

BACKGROUND: The Arlington County Tenant Relocation Guidelines provide for specific benefits for residential tenants who will be displaced by housing demolition, substantial rehabilitation or conversion. Benefits include payment of relocation assistance, relocation services and advance notice of the planned development. The Tenant Relocation Guidelines, first adopted in 1979, have undergone several amendments—in 1988, 1998, 2000 and 2004—to broaden the focus of local efforts to assist tenants being relocated.

The County can require relocation assistance in cases where the owner receives County funding or where developers agree to provide the assistance in conjunction with site plan projects. For by-right projects, compliance is strongly encouraged, but cannot be required. Redevelopment projects using federal funds must comply with the federal Uniform Relocation Act (URA). Under either the County Guidelines or the URA, owners are expected to make payments to tenants to cover the cost of

County Manager: _____

County Attorney: _____

Staff: Renee M. Willis, Robin Canty, CPHD, Housing Division

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relocation. County Staff works with and assists owners to draft their relocation plans. Staff also assists with and monitors owners' implementation of their plans and compliance with the Tenant Relocation Guidelines.

DISCUSSION: This effort involves improvements to the language of the current guidelines and modification of some of its requirements. The objective is to make the Guidelines less confusing and hence easier to use for owners/developers, tenants, County Staff, and others involved with the development/relocation process. There are no major changes to the relocation assistance standards for property owners.

The organization and style of the Guidelines have been changed to make the Guidelines closer in appearance to a County ordinance. There are numerous language, grammar and stylistic changes. The bullets below summarize the main changes, by section.

Section I:

- Language simplified and language added to summarize owner requirements for relocations.
- Emphasis added that an owner must consult with County Staff on relocation requirements when a project involves approval of county funding or where compliance with the Guidelines is agreed to as part of a site plan approval or amendment.

Section II:

- Change requirement from a pre-approval survey of tenants to a less involved profile of the current tenant population.
- List information necessary from personal interviews with tenants facing displacement.
- Clarification of payment requirements for tenants facing temporary relocation.

Section III:

- Clarification of recommended priority point system for tenants facing relocation and/or applying for affordable units.
- The recommended points assigned to households with seniors and persons with disabilities were increased.

Section IV:

- Role of County Staff and Tenant-Landlord Commission explained.
- Timing of requirements for notifying tenants clarified.
- Emphasis added that County Board decision on project will not be made until Tenant- Landlord Commission has reviewed the Relocation Plan.
- Monitoring and Reporting requirements for owner and County Staff listed.

FISCAL IMPACT: None. The proposed amendments are to clarify the existing Tenant Relocation Guidelines and therefore would not have a fiscal impact on the County.

Attachment A

ARLINGTON COUNTY TENANT RELOCATION GUIDELINES

SECTION I:	IN GENERAL 1.1 Purpose 1.2 Definitions 1.3 Applicability 1.4 Department Consultation
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
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 standards for assisting **tenants** facing displacement from residential rental properties proposed for **demolition, rehabilitation or conversion**.

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. It is the policy of Arlington County to work with the **owners** of projects to avoid displacing resident households, whenever possible.

When temporary or permanent displacement is unavoidable, open communication and disclosure by all parties will minimize misunderstandings and make the relocation experience less onerous. 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.

Adherence by the **owner** to these **Guidelines** and assistance to **tenants** will be sought where County approval of funds, and/or **site plan** approval are requested for the project to proceed. **Owners** seeking County funding or doing special exception developments such as through **site plan** approval are expected 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.

Where an **owner** agrees to a contract for County funding or a condition of **Site Plan** approval, the **owner** will comply with these **Guidelines**. Such agreement will be considered when County Board acts on funding or **Site Plan** approval.

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

By-right: Projects that do not require 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.

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.

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.

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 charged with providing information to tenants and landlords; hearing grievances and mediating disputes between tenants and landlords; and advising the County Board on policy and programs.

120-Day Notice to Vacate: Section 55-222 and Section 55-79.94(b) of the Code of Virginia, 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.

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 or homeownership;
- (c) **Demolition** for redevelopment of a site; and
- (d) Sale by contract where the contract requires an empty building.

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

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) 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** will submit a summary of the current **tenant** population to the **Tenant-Landlord Commission** prior to the hearing on the Relocation Plan.
- (a) The summary **tenant** profile will include at a minimum, the following:
 - (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) 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) 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 languages prevalent 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 the **120-Day Notice to Vacate** in accordance with State Code and these Guidelines.
- 2.6 Determine **Tenant** Eligibility and Needs.
- (a) Eligibility. **Tenants** who are residents 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 at least the following information:
 - (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 hardship, 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 move only 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.

SECTION III: PRIORITY RANKING SYSTEM

3.1 Purpose. **Owner** will develop a Priority Ranking System for **tenants** as provided herein.

- (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. Available units will be offered to **tenants** in order of priority. 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 developing and implementing relocation plans and services. 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 at a meeting 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; and
 - (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.
- (b) Recommendations. The **Tenant-Landlord Commission's** recommendations on the basis of this hearing shall be made available to the County Board. The Tenant-Landlord Commission shall make its recommendations before final County Board action on the relocation plan and the full project. 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) Such quarterly reports on individual projects shall be produced throughout 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.

Guidelines revised by the Arlington County Board April ____, 2009

Attachment B

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)	Select one: Hispanic or Non-Hispanic
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	
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.