

**ALBEMARLE COUNTY TENANT RELOCATION GUIDELINES  
FOR NON-FEDERALLY FUNDED RESIDENTIAL DEVELOPMENTS**

**SECTION I: IN GENERAL**

- 1.1 Purpose
- 1.2 Applicability
- 1.3 Consultation
- 1.4 Definitions

**SECTION II: RELOCATION PLAN**

- 2.1 Relocation Plan Requirements
- 2.2 Communicate Intent Regarding Property
- 2.3 Assessment of Tenant Needs
- 2.4 Complete Tenant Profile
- 2.5 Develop a Relocation Plan
- 2.6 Tenant Eligibility
- 2.7 Notice to Vacate

**SECTION III: RELOCATON ASSISTANCE**

- 3.1 Relocation Assistance to Eligible Tenants Facing Permanent Relocation
- 3.2 Relocation Assistance to Eligible Tenants Facing Temporary Relocation

**SECTION IV: PRIORITY RANKING SYSTEM**

- 4.1 Purpose
- 4.2 Point System

**SECTION V: COUNTY SERVICES AND MONITORING**

- 5.1 County Staff Services
- 5.2 Monitoring and Reporting Requirements

## 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 properties 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.

Albemarle County (the “County”) considers such Guidelines a crucial component of its overall policy to promote housing opportunities for very low-, low-, and moderate-income households. 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 developers and property owners (“Owner”) 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 developers and property owners proposing projects which require site rezoning or a special use permit, and/or projects that are receiving County support (financial or otherwise). 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 accessing federal or local rental assistance programs, or phasing in higher rents.

In all projects where Tenants face displacement, Owners will be required or expected to:

- (a) Communicate their intent regarding the property to the Tenants;
- (b) Develop a Relocation Plan;
- (c) Provide Tenants with a Notice to Terminate;
- (d) Provide Relocation Assistance in 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 Charlottesville 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.

**“Change of use”** means change of use of any dwelling unit from a residential use to 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 conversion to a retirement home where payment for long-term care is requirement of tenancy, or a conversion to an emergency shelter or transient hotel, or a conversion from a manufactured home park to another type of housing.

**“County Staff”** means Albemarle County Housing Planner and/or the Director of Community Development Department.

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

**“Department”** means the Albemarle County Department of Community Development Department.

**“Eligible Tenant”** means Tenants who are tenants of the existing property at the time the Relocation Plan is submitted for approval to the County Housing Planner, and are in compliance with their leases (if the property is a rental property).

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

**“HUD”** means the United State Department 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 purchase or rent a unit at the property after the project is completed, 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 purchase or 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 or manufactured home lot 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 *Virginia Code § 55.1-1200 et seq.*, Virginia Residential Landlord and Tenant Act, and *Virginia Code § 55.1-1300 et seq.*, *Manufactured Home Lot Rental Act*. For purposes of these Guidelines, “Tenant” shall not include the Owner of a dwelling unit, members of the Owner’s household, or the owner of a manufactured home lot.

**“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.

**“Uniform Relocation Assistance and Real Property Acquisition Act of 1970” or “URA”** means a federal law which established minimum standards, including a Fixed Moving Cost Schedule, for protecting and assistance 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 rights and obligations of landlords and tenants, which is applicable to occupancy in all single-family and multi-family residential dwelling 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.

**“Notice to Terminate”** means a written notice provided to all Tenants who reside in a building or manufactured home park proposed for demolition, change of use, 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 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 (if rental property);
- (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 language 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.

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

The Owner shall make three attempts to interview each Tenant and record the dates of each attempt. In cases where a Tenant refuses to complete the interview, the Owner shall record the date the interview was refused.

**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 which will include, at a minimum, the following:

- (1) Number of units and unit mixes (e.g., 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;
- (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/redevelopment, including projected rents or sales prices, utilities, parking, rental policies (if applicable); 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 Relocation Plan Approval.** The Relocation Plan will be reviewed by the County Housing Planner and approved by the County Executive or another County officer designated by the County Executive.

- (a) The Owner will submit the Relocation Plan to the Housing Planner no less than 90 days prior to the issuance of the Notice to Terminate.
- (b) The Housing Planner will review the Relocation Plan and send any comments to the Owner within 30 days of plan submission.
- (c) The Housing Planner will make recommendations for approval to the County Executive no less than 30 days prior to issues of the Notice to Terminate.

**2.7 Eligibility.**

- (a) Only Tenants who are residing in the existing property at the time the Relocation Plan is submitted for approval to the County Housing Planner, and who are 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 Tenants who execute 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 contract is signed.

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

- (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 § 55.1-1410(B)* mandates a 120-Day Notice to Terminate.
- (b) In cases where Virginia law mandates a Notice to Terminate, the Notice shall not be contained in the lease but shall be a separate writing.
- (c) If Tenants are displaced from a manufactured home park, *Virginia Code § 55.1-1308(B)* mandates a 180-day Notice to Terminate.
- (d) Relocation Assistance need only be provided after the Tenant's receipt of the Notice to Terminate.

### **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 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 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. 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 (approximately every four years).

**Table 1: Relocation Payments**

Number of Rooms	Payments
1 room	\$ 700
2 rooms	\$ 900
3 rooms	\$1,100
4 rooms	\$1,300
5 rooms	\$1,500
6 rooms	\$1,700
7 rooms	\$1,900
8 rooms	\$2,100

(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 in Table 2:

**Table 2: Relocation Payments HUD Very Low-Income Tenants**

Number of Rooms	Payments
1 room	\$1,050
2 rooms	\$1,350
3 rooms	\$1,650
4 rooms	\$1,950
5 rooms	\$2,250
6 rooms	\$2,550
7 rooms	\$2,850
8 rooms	\$3,150

- (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 rooms. 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 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 requests/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 the property after the project is completed (i.e., due to a change in income, changes 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 or purchase 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 purchasing or 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 residency at the property; AND
  - (5) Current rental assistance (if applicable).

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

**Table 3: Points System**

Criteria	Points
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 Charlottesville	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 or more	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.** The County Housing Planner 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; and
- (b) Monitoring ongoing relocation.

**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.

DRAFT