

# TENANT ASSISTANCE AND RELOCATION POLICY FOR THE RESIDENTIAL MULTIFAMILY ZONE

## Section 1. Introduction

The Tenant Assistance and Relocation Policy (Policy) sets forth the relocation assistance to be provided to displaced households at the time of redevelopment in the Residential Multifamily (RMF) Zone and ensures that tenants in good standing displaced from committed affordable units have a right to return to the property after redevelopment. The RMF Zone provides additional density to enhance and preserve the long-term affordability of housing pursuant to an ordinance adopted by City Council on February 23, 2019.

### 1.1 Applicability

The Tenant Assistance and Relocation Policy applies to displaced households in the RMF Zone.

### 1.2 Developer Expectations

The City encourages developers who are granted additional density through the RMF Zone to replace all committed affordable units on-site after redevelopment. Such developers will also comply with the following:

- a. All tenants in good standing occupying a committed affordable housing unit have the right to return to the property after redevelopment.
- b. All tenant households in good standing are eligible for relocation payments regardless of income. All elderly and disabled tenant households, as well as very low-income households as defined by the City's Relocation Assistance Guidelines are eligible for double payments.
- c. If the Uniform Relocation Assistance and Real Property Acquisition Policies Act ("URA") and/or Section 104(d) of the Housing and Community Development Act ("Section 104") are applicable to the project, the developer will follow these regulations and requirements instead.
- d. A Tenant Assistance and Relocation Plan (Plan) will be submitted consistent with the provisions below.

### 1.3 Definitions

**"Committed Affordable Units"** are rental or ownership dwelling units available to eligible households through income and/or occupancy restrictions required under federal, state, or local programs.

**"Comparable Units"** are units made available to displaced households that are comparable in size and rent to units from which the household is displaced.

**"Concept Two"** A stage in the development review process.

**"Eligible Tenants"** are residents of existing properties and tenants in "good standing" at the time the Relocation Plan is officially submitted to the Office of Housing, Landlord Tenant Division staff.

**“Household”** is defined as consisting of all persons listed on the lease and their dependent children.

**“Households Eligible for Relocation Assistance Payments”** are defined as all displaced households current with rent. All displaced households will receive relocation assistance payments regardless of income.

**“Landlord-Tenant Relations Board”** is a nine-member board that conciliates landlord-tenant complaints and recommends and reports to City Council on legislation and policy in landlord-tenant relations, including the approval of Relocation Plans.

**“Permanent Relocation or Permanently Displaced Household”** is a household required to permanently vacate the unit occupied due to the redevelopment or renovation without any expectation of returning to the renovated or new property due to not meeting income restrictions or other requirements established by law or regulation.

**“Right to Return”** a policy that income-eligible tenants in good standing occupying a committed affordable unit have the right to return to a committed affordable unit in the property after redevelopment.

**“Temporary Relocation or Temporarily Relocated Household”** is a household that is expected to move back to the renovated or new complex once the project is completed.

**“Tenant”** means any person who is entitled to occupy a unit pursuant to a rental agreement or on a month-to-month tenancy.

**“Tenants or Households in Good Standing”** are defined as those tenants or households that satisfy the following criteria:

- 1) Are current in rent at the time of receipt of 120-day notice to terminate tenancy; and
- 2) Live in a committed affordable unit owned by the developer prior to the redevelopment.

**“Tenant Protection Vouchers”** (TPVs) are a form of federally funded assistance to help households impacted by demolition, disposal or conversion of federally-assisted properties. They are meant to ensure there is no displacement of low-income tenants as a result of various actions resulting in a loss of subsidy assistance.

**“Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)”** and **“Section 104(d) of the Housing and Community Development Act (“Section 104”)** are federal regulations that require minimum relocation benefits and payments to tenants displaced due to federally-funded projects.

**“Very low-income”** is defined as incomes at or below 50% of the area median income for the Washington Metropolitan Statistical Area as defined by the Department of Housing and Urban Development.

**“120-day notice to vacate”** is 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 2: Tenant Assistance and Relocation Plan**

The Tenant Assistance and Relocation Plan (Plan) comprises a Community Profile and a Relocation Plan. A draft Plan must be submitted with the developer's Concept Two application, or with a later submission as approved by the Office of Housing.

## **Section 3: Community Profile**

### **3.1 Preliminary Community Profile and Household Needs Assessment**

As part of the preliminary Community Profile, the developer will survey existing tenants to help identify tenant characteristics and assess housing needs. Information collected will be shared with the Office of Housing.

The survey will identify:

- I. Number of units and unit mix
- II. Number of occupied and vacant units
- III. Number of households that are private market renters without housing assistance
- IV. Tenants assisted through any type of housing unit developed using City, state, or federal subsidies, including Housing Choice Vouchers
- V. Length of each household's residency in the neighborhood and at its current address
- VI. Size and composition of each household
- VII. Households with school-age children, elderly, and/or disabled members
- VIII. Income of each household
- IX. Number of households anticipated to be temporarily relocated
- X. Number of households that will be permanently displaced
- XI. Tenants who will require special assistance to move
- XII. Current cost to each household for rent, utilities, and parking
- XIII. Households interested in returning
- XIV. Households in need of accessible housing

### **3.2 Updated Community Profile**

At least three months prior to issuing the 120-day notice to vacate, the developer will conduct a follow-up survey of each affected household to update and confirm the information collected through the preliminary community profile. The developer will cooperate with the City in making reasonable efforts (three attempts to obtain a survey response either by mail or in person, including efforts to survey tenants during non-working hours) to reach affected tenants. If tenants do not respond to the survey after reasonable efforts, the developer will provide available information regarding the affected tenants to the City. The developer will also provide documentation to the City of their outreach efforts to those households who did not respond to the survey. The survey will include contact information for the City's Office of Housing and any other organization identified by the Office of Housing. Survey information collected should be provided to the Office of Housing by the time the 120-day notices are issued.

## **Section 4: Relocation Plan and Tenant Services**

### **4.1 Draft Relocation Plan**

A Draft Relocation Plan will be submitted with the developer's Concept Two application, or with a later submission as approved by the Office of Housing.

The draft relocation plan will include:

- I. Project overview
- II. Staff in charge of relocation
- III. Profile of tenant population
- IV. Tenant impact
- V. Projected timetable for construction and relocation
- VI. Tenant communication, notices and meetings (including translation/interpretation services if necessary)
- VII. Measures to retain current tenants and right of return
- VIII. Temporary on-site/off-site relocation
- IX. Measures to keeping occupied units in good habitable condition
- X. Permanent off-site relocation and payments
- XI. Record keeping
- XII. Contact information for relocation staff onsite and City staff

### **4.2 Final Relocation Plan**

A Final Relocation Plan will be submitted to the Office of Housing at the time of issuance of the 120-day notice to vacate and will include the final version of the draft relocation plan and an updated Community Profile/Survey as required in Section 3.2 of this Policy.

## **Section 5: Notifications and Meetings**

### **5.1 Relocation Coordinator and Relocation Services**

The developer will provide a Relocation Coordinator (Coordinator) sixty days prior to the delivery of 120-day notices to terminate tenant leases at each redevelopment site. The Coordinator may be a third party, new hire, or member of existing staff, and developers with multiple properties included in the RMF Zone may designate a Coordinator for more than one development. The Coordinator will be responsible for coordinating and implementing the Policy in coordination with the Office of Housing. The Coordinator will be available on site, during regular hours and by appointment, will provide information and assistance to tenants as set forth herein.

### **5.2 Preliminary Notice**

The developer will deliver written preliminary notice of the proposed redevelopment plan and upcoming relocation activities to households living in units to be demolished as part of that plan at least four months prior to the issuance of the 120-day notice. This notice will be translated in multiple languages as deemed necessary in consultation with the Office of Housing and will include the projected timing of demolition and relocation activities, contact information for the Coordinator or management staff available to answer questions prior to the hiring of a coordinator, and a description of services that will be available during relocation activities. In coordination with the Alexandria City Public Schools (ACPS), information regarding

ACPS' policies about student transfers (within the school district) and resources available to support transferring students will also be provided. The preliminary notice will be delivered by regular mail and hand delivery. The information provided with the preliminary notice will also be posted online on the City's website by the Office of Housing. In addition to the standard community engagement process associated with development applications, the developer will agree to provide an estimated timeline of the process to tenants who will be displaced by the development and hold a meeting with those tenants at the time of the Concept Two application.

### **5.3 120-day Notice**

In addition to the preliminary notice, households will receive a second notice at least 120-days prior to lease termination. To ensure that tenants understand the process and can participate in planning for their future, written notices for households with Limited English Proficiency (LEP) will be translated into Spanish and any other commonly spoken languages in the development as deemed necessary in consultation with the Office of Housing. The developer will provide interpreters at tenant meetings and make AT&T Language Line or comparable services available for meetings with the Coordinator and property management staff. Copies of all 120-day notices will be sent to the Office of Housing when issued to tenants.

As soon as feasible, but in all cases prior to the issuance of 120-day notice, the developer will provide information to tenants regarding its plans, schedule, relocation services, and final approved relocation plan. This information will be provided in writing, and the developer will hold tenant meetings to advise tenants of the plan and process for the redevelopment. The developer will notify the Office of Housing in advance of the time and date of meetings with tenants so that a representative may attend the meetings.

### **5.4 Comparable Units**

Services will be provided until all households in units to be demolished during the redevelopment have been relocated and the Coordinator has provided information on all displaced households and services provided to the City. Available, comparable units will be identified by the Coordinator for households occupying committed affordable units that would prefer to move permanently to another location. This option will not prevent or undermine eligible tenants' right to return to the new property. Information on comparable market-rate units will be provided to households occupying market-rate units.

During the redevelopment, the Coordinator will be responsible for identifying temporary comparable units for households in committed affordable units, providing referrals and placement assistance, and coordinating monetary assistance, notice and communication with displaced households. The Coordinator will be responsible for providing survey information and regular updates to the City regarding households displaced, including the new address and contact information for households relocated from committed affordable units.

The developer will apply for Tenant Protection Vouchers (TPVs) for all households occupying committed affordable units whenever possible. For households occupying committed affordable units, every effort will be made to identify a replacement (including temporary) unit at the level of affordability provided by the unit from which

the tenant will be displaced. If TPVs are not approved by the Department of Housing and Urban Development, and no unit can be identified at the level of affordability of the unit from which the tenant is displaced, the developer will be responsible for providing a replacement housing payment throughout the temporary relocation period. Once the household is offered a permanent committed affordable unit at the redeveloped property, the developer will no longer be responsible for the replacement housing payment unless URA is applicable to the project.

Reasonable effort will be made to refer households in good standing occupying committed affordable units to an available unit in the immediate area. If no such unit is available, the Coordinator will provide referrals to units elsewhere within the City.

Whenever 120-day notices are issued, the developer will be responsible for providing and regularly updating availability information to the Coordinator throughout the 120-day period to ensure that all households in good standing receive a complete, accurate and current list of available comparable units. If more than one Coordinator is managing relocation concurrently, the developer will establish a process for cooperation between the Coordinators to ensure that the same listing is provided to all households during the notice period.

Coordinators will maintain data regarding all households that they are responsible for assisting with relocation as well as a database of available units and upcoming vacancies. The Coordinator will refer households in committed affordable units to units that are comparable in size and rent to the household's current unit at the time of relocation by providing a list of comparable units. Households in good standing will be eligible for a comparable unit until they relocate from their existing unit, which shall be no later than 120 days from the 120-day notice to vacate.

The Coordinator will maintain information regarding other committed affordable housing resources nearby and throughout the City, as well as information and referrals to other multifamily rental properties. City staff will provide updated information regarding committed affordable housing resources to the Coordinator at the time that 120-day notices are given and will provide updates regarding any such additional resources that are developed or secured.

## **5.5 Temporary Relocation**

Tenants eligible for temporary relocation will receive no less than 120 days advance written notice of the approximate date of the move and a reminder 30-days before the actual date of the move indicating their temporary address. The 120-day notice will advise households of their right to return to the property, that they will be temporarily relocated, the terms and conditions under which they may continue to lease and occupy the property after return and the availability, or not, of any rental assistance options (federal, state or local), including TPVs or other subsidies as they become available.

In many cases it will be necessary to terminate the tenant's lease with the current landlord and assume a lease with a new landlord for a temporary replacement unit. The Coordinator will be responsible for identifying comparable temporary units and for negotiating appropriate lease terms for temporarily relocated tenants. When a permanent committed affordable replacement unit becomes available, the tenant will execute a new lease in the redeveloped complex.

The developer will assume responsibility for reasonable costs directly associated with moving the household's belongings to the temporary off-site unit and back to a renovated unit (two moves) and would pay for any increased housing costs associated with the move, including any utility connection fees but excluding security deposits. The head of household will agree in writing to the temporary relocation using a relocation agreement form.

During a temporary off-site relocation, if the household declines to return to the completed development and decides to permanently relocate to the unit which had been designated their temporary unit, then the developer is responsible for the costs of the one move. If a household is evicted for cause from a temporary unit, the household may not be entitled to continued temporary housing costs, may lose the right to return to the displacement site, and may not be entitled to payments as a displaced household.

Tenants temporarily relocated will return to a comparable unit they originally occupied after redevelopment. If the tenant is no longer eligible to return after the project is completed (due to a change in income, change of household size or other disqualifying circumstance as communicated in advance to all tenants), the tenant will receive a relocation payment as a Permanently Displaced Tenant.

## **5.6 Permanent Relocation**

Relocation of displaced households will begin prior to demolition and will be considered completed after all households are relocated or choose to move without availing themselves of the assistance from the Coordinator. The Coordinator will have responsibility for assisting households with temporary and permanent relocation during this process as set forth below in coordination with the Office of Housing. Households that do not meet the income requirements for the Low-Income Housing Tax Credit Program and/or those that exceed occupancy restrictions will be permanently displaced.

## **5.7 Relocation Advisory Services for Permanent and Temporary Relocations**

To most effectively meet the needs of the tenants who will be temporarily and permanently relocated, the following advisory services will need to be provided, as applicable:

- A one-on-one relocation interview meeting with the Coordinator/Relocation Management Team to help tenants through the process of determining permanent or temporary off-site relocation needs, preferences, and eligibility;
- Referrals for tenants to replacement properties and current listings of vacant units within the City of Alexandria and bordering jurisdictions;
- Providing transportation or reimbursement for reasonable transportation costs for tenants needing transportation to look at other housing;
- Providing information regarding Federal, state and local housing or other governmental programs;
- Extending regular business hours, including evenings and weekends, so that tenants will not have to miss work;
- To the greatest extent possible, special attention to individual challenges or needs of households with school-age children, senior citizens and tenants with disabilities;

- Additional advisory services such as providing appropriate translation and counseling for tenants who are unable to read and understand notices, as necessary or appropriate depending on the individual situation and circumstances;
- Packing supplies including boxes, bubble wrap and tape necessary to pack belongings for the moves;
- Reimbursement of any costs for or direct payment to transfer utilities or any existing services such as telephone, cable or internet services to the temporary unit as well as the new unit, if applicable;
- Written communication updates regarding moving into the completed unit; and
- Additional advisory services such as interpreter services, as necessary or appropriate depending on individual circumstances.

### **5.8 Relocation Assistance Payments for Permanently Displaced Tenants**

Following the 120-day notice, all displaced households current with rent will receive relocation assistance payments regardless of income or priority for a committed affordable unit. The Coordinator will process payments based on the schedules in the City’s Housing Relocation Assistance Policy in effect at the time checks are issued. The current relocation payment schedules are as follows:

*Tenants who are not Very Low Income, Elderly or Disabled:*

Efficiency \$900  
 One Bedroom \$1,100  
 One Bedroom and Den or Two Bedroom \$1,300  
 Two Bedroom and Den or Three Bedroom \$1,500  
 Three Bedroom with Den Six Rooms \$1,700

Periodic revisions made by the State will be incorporated into the Relocation Payment Schedule under the City’s Relocation Assistance Policy. It is expected that if the Relocation Payment Schedule is revised by the State, the developer will adhere to whatever payment levels are in effect at the time payments are made to tenants. Households occupying committed affordable units or any tenants who are elderly or disabled will receive a higher payment equal to 200% of this payment as listed below.

*Tenants who are Very Low Income, Elderly or Disabled:*

Efficiency \$1,800  
 One Bedroom \$2,200  
 One Bedroom and Den or Two Bedroom \$2,600  
 Two Bedroom and Den or Three Bedroom \$3,000  
 Three Bedroom with Den Six Rooms \$3,400

Regarding the timing of payments, the developer agrees to provide relocation payments to tenants after tenants give 30-day notice after receiving their 120-day notices to vacate. Payment should occur in full when the resident has notified the developer after the 120-day notice to vacate has been issued, even if he/she does not vacate the unit until the end of the 120-day period. This payment is to make funds available during the period in which the resident must look for an apartment.



## **5.9 Return of Security Deposit**

Security deposits and applicable interest will be processed and returned in accordance with standard policies and procedures. The timing of such returns should be expedited to the extent possible. The developer may request 30-day notice from the tenant to vacate during the 120-day notice period (notice of 30 days, not 30 days prior to the next rent due date.) Any household in receipt of a 120-day notice to vacate will receive a refund of any security deposit and applicable interest regardless of when they vacate during the 120-day period if the tenant has provided 30-day notice. Charges for damage to units scheduled to be demolished will not be charged against a household's security deposit unless the developer incurs additional costs to prepare the unit for demolition *due to the fault of the tenant*. Examples of allowable deductions from deposits are removal of large items from the unit left by the tenant, or the tenant's removal of appliances or fixtures the developer had intended to sell or reuse.

## **5.10 Maintenance of Units and Premises Before and During Relocation**

Before and during the relocation process all occupied units will be kept in a clean, sanitary and safe condition in compliance with all applicable codes and regulations.

## **Section 6: Forms and Attachments - to be included**

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