



Relocation Assistance Guidelines

These guidelines are the Authority’s standards for the provision of assistance to tenants forced to relocate because of changes in the use or condition of their rental units regardless of the length of the remaining lease term.

Any contract for the acquisition of a site with existing residential property may not require an empty building as a condition of such contract, unless relocation assistance is provided to displaced households, if any, at such level required by the Authority below.

I. Applicability

The guidelines apply to all developments that will displace existing tenants and must be followed to qualify for Low Income Housing Tax Credits. These guidelines will be incorporated by reference in and enforced by the Contract to Enforce Representations Regarding Low-Income Housing Tax Credit Development if the development qualifies for a reservation of credits.

The guidelines apply to all multi-family buildings when tenant moves are required for reasons such as rehabilitation, demolition, and sale by contract specifying an empty building. They apply to rented single-family houses when tenancies are terminated because of planned demolition.

II. Summary

In the situations specified above, owners must undertake the following:

- 1) Relocation payments
- 2) Relocation assistance
- 3) 120-day vacate notice
- 4) Full communication of plans

III. Relocation Payments

Owners must provide relocation payments to all households receiving notice to vacate the development and not return to the existing development. See item V. for Temporary Relocation. The payments are designed to help cover moving expenses and the additional costs of relocation. Relocation payments for unfurnished dwelling units should be in accordance with the current moving expense schedule for Virginia under the Uniform Relocation Act. The payments currently specified by the Act are as follows:

Occupant owns furniture									Occupant does not own furniture	
Number of rooms of furniture										
1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms	Each add'l. room	1 room not furn.	Each add'l. room
550	750	950	1150	1350	1550	1750	1950	200	350	75

RELOCATION ASSISTANCE GUIDELINES, continued

To each leaseholder whose gross income is less than 50% of the applicable Area Median Gross Income (AMGI) adjusted for household size, owner/applicants must provide a relocation payment of twice the amount listed above.

Owners are encouraged to discuss the details of their relocation plans with the Authority staff in order to identify special tenant circumstances that might require fine tuning of the arrangements.

Owners must make at least half of the relocation payment when a tenant gives a definite move out date, the remainder to be paid when the tenant actually vacates. Many need this to help pay the security deposit on their next residences. Owners are urged to give careful consideration to providing relocation payments to tenants who have not yet received their 120-day notice to vacate but have compelling reasons to move early.

IV. Relocation Assistance

Owner/applicants should provide additional relocation assistance such as:

- Expediting return of security deposits, or allowing tenants to apply them to the last month's rent
- Contacting comparably priced rental complexes to request priority for persons being displaced
- Providing transportation for tenants needing to look at other housing, especially those who are elderly or disabled
- Giving attention to the special problems of timing moves for families with school age children
- Offering to help (trucks and drivers) move furnishings

Relocation assistance and services should be made available to tenants not only during regular business hours but during evenings and weekends to accommodate tenants who would otherwise have to miss work. Owners should provide tenants written materials and/or translation services in their native languages if necessary.

V. Temporary Relocation Assistance

Owner/applicants must provide assistance for two moves when it is necessary for occupants qualifying for a renovated unit to move temporarily during the renovation work and then return to a renovated unit. Assistance can be either a payment to reimburse the actual cost of the move and utility transfers or moving services provided by the developer and a payment to cover the cost of utility transfers. Tenants are expected to provide documentation of their expenses. Payment for only one move is required if the tenant elects in writing to move to a renovated unit and not return to his or her original unit.

RELOCATION ASSISTANCE GUIDELINES, continued

VI. 120-Day Notice to Vacate

State law requires 120-day vacate notice for all condo and co-op conversions and for any change in the use of buildings with at least four rental units. These guidelines extend that notice period to all multi-family rental units vacated due to rehabilitation or demolition, and to single-family houses being demolished.

VII. Full Communication of Renovation and Relocation Plans

Owners must inform tenants of renovation and relocation plans as soon as possible, and to arrange for interpreters to help non-English speaking persons understand what the owner intends to do with the property. Open communication with tenants about plans for the development can be helpful to both owner and occupants by minimizing rumors and misunderstandings.

Owners of complexes containing 20 or more units are required to submit a renovation and relocation plan to the Authority and to affected tenants. The plan should be as complete as possible, and updated as changes are made. The scope of the plan should be appropriate to the scale of the development being renovated, including at a minimum:

- 1) Name, address and contact person for the owner/ developer/ management company
- 2) Scope of the work to be done and phasing of work, including estimated timetables
- 3) Relocation payments and services to be offered
- 4) Anticipated rents and rental policies after the changes
- 5) Measures planned to minimize construction impact on occupied units.

The plan should be submitted to the Virginia Housing Development Authority, Multi-Family Development Division, Attention: Tax Credit Program Administrator.

VIII. Documentation of Compliance

Owner/applicants are required to maintain files which can, if required by the Authority, document compliance with the above requirements. Such files should include, but not be limited to copies of relocation plans, notices, canceled checks, and other items providing evidence of compliance with the above requirements.

REQUIRED NOTICE WHEN BUILDINGS UNDERGO CHANGE

Section 55-222 of the Code of Virginia requires 120 days' notice to tenants being vacated from any building containing at least 4 residential units, if the building is to be renovated, demolished, sold on a contract requiring an empty building, or converted to hotel, motel, apartment hotel, or other commercial use.

Virginia Code Section 55-222

NOTICE TO TERMINATE A TENANCY; ON WHOM SERVED; WHEN NECESSARY. - A TENANCY FROM YEAR TO YEAR MAY BE TERMINATED BY EITHER PARTY GIVING THREE MONTHS; NOTICE, IN WRITING, PRIOR TO THE END OF ANY YEAR OF THE TENANCY, OF HIS INTENTION TO TERMINATE THE SAME. A TENANCY FROM MONTH TO MONTH MAY BE TERMINATED BY EITHER PARTY GIVING THIRTY DAYS' NOTICE IN WRITING, PRIOR TO THE END OF THE MONTH, OF THIS INTENTION TO TERMINATE THE SAME. HOWEVER, 120 DAYS' WRITTEN NOTICE IS REQUIRED IF THE TERMINATION IS DUE TO REHABILITATION OR A CHANGE IN THE USE OF ALL OR ANY PART OF A BUILDING CONTAINING AT LEAST FOUR RESIDENTIAL UNITS. CHANGES SHALL INCLUDE BUT NOT BE LIMITED TO CONVERSION TO A HOTEL, MOTEL, APARTMENT HOTEL OR OTHER COMMERCIAL USE, PLANNED UNIT DEVELOPMENT, REHABILITATION, DEMOLITION OR SALE TO A CONTRACT PURCHASER REQUIRING AN EMPTY BUILDING. THIS 120-DAY REQUIREMENT SHALL NOT BE WAIVED; HOWEVER, A PERIOD OF LESS THAN 120 DAYS MAY BE AGREED UPON BY BOTH THE LANDLORD AND TENANT IN A WRITTEN AGREEMENT SEPARATE FROM THE RENTAL AGREEMENT OR LEASE EXECUTED AFTER SUCH NOTICE IS GIVEN AND APPLICABLE ONLY TO THE 120-DAY NOTICE PERIOD. WHEN SUCH NOTICE IS GIVEN TO THE TENANT IT MAY BE SERVED UPON HIM OR UPON ANYONE HOLDING UNDER HIM THE LEASED PREMISES, OR ANY PART THEREOF. WHEN IT IS BY THE TENANT IT MAY BE SERVED UPON ANYONE WHO, AT THE TIME, OWNS THE PREMISES IN WHOLE OR IN PART, OR THE AGENT OF SUCH OWNER, OR ACCORDING TO THE COMMON LAW. THIS SECTION SHALL NOT APPLY WHEN, BY SPECIAL AGREEMENT, NO NOTICE IS TO BE GIVEN; NOR SHALL NOTICE BE NECESSARY FROM OR TO A TENANT WHOSE TERM IS TO END AT A CERTAIN TIME.

THE WRITTEN NOTICE REQUIRED BY THIS SECTION TO TERMINATE A TENANCY SHALL NOT BE CONTAINED IN THE RENTAL AGREEMENT OR LEASE, BUT SHALL BE A SEPARATE WRITING.

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For buildings containing fewer than 4 residential units, the Authority requires the same 120-day vacate notice to tenants.

The Virginia Condominium Act requires in Section 55-79.94(b), as amended in 1980, that tenants of all complexes being converted to condominiums be given 120 days' notice to vacate.