



## Relocation Assistance Guidelines

Effective immediately, these guidelines are amended to recognize changes to the Code of Virginia that will be effective on July 1, 2015 (§§ 55-222, 55-226.2, 55-248.4, 55-248.7:1, 55-248.7:2, 55-248.9:1, 55-248.15:1, 55-248.18 and 55-248.24).

In general, owners of projects which funding includes federal monies should adhere to regulations set forth under the [Uniform Relocation Assistance Act of 1970 \(URA\)](#), which objectives are:

- To provide uniform, fair and equitable treatment of tenants whose real property is acquired or who are displaced in connection with federally funded projects
- To ensure relocation assistance is provided to displaced tenants to lessen the emotional and financial impact of displacement
- To ensure that no individual or family is displaced unless decent, safe, and sanitary (DSS) housing is available within the displaced tenant's financial means
- To help improve the housing conditions of displaced tenants living in substandard housing
- To encourage and expedite acquisition by agreement and without coercion

VHDA guidelines are similar to URA; however, our guidelines focus on residents/tenants who are *displaced* as a direct result of the rehabilitation, demolition and/or construction of LIHTC projects.

VHDA guidelines must be followed to qualify for Low Income Housing Tax Credits (LIHTCs) and will be incorporated by reference in and enforced by the Contract to Enforce Representations. Furthermore, violation of these guidelines will result in a penalty against future Reservation Applications.

### Owner's Responsibility to Tenants

Open communication with tenants is helpful for both the owner and tenants as it helps to minimize rumors and misunderstandings.

**Permanent Relocation:** A tenant is permanently relocated) if his/her tenancy is terminated due to the rehabilitation of the unit or due to change in use (e.g. conversion to a condominium). If a tenant is permanently relocated, a 120-day Notice to the tenant is required, unless the lease is month-to-month. Even if the lease is month-to-month, the owner must give the tenant a 30-day Notice to vacate (see Content of 30-day Notice below).

#### Content of 120-day Notice

- Is issued simultaneously to all impacted tenants, no less than 120 days prior to beginning rehab at the property
- Is addressed to the tenant at his/her current address
- Informs the tenant that he/she may be displaced for the project and that he/she will be given reasonable relocation advisory services, including referrals to

replacement properties, help in filing payment claims and other necessary assistance to help the tenant to successfully relocate;

- Generally describes the relocation payment(s) for which the tenant may be eligible, the basic conditions of eligibility and the procedures for obtaining the payment (see Moving Cost Reimbursement below). Eligibility for relocation assistance shall begin on the date that acquisition negotiations are initiated or actual acquisition, whichever occurs first. Within 14 days, but not later than the time required to issue the 30-day Notice, the owner shall notify all tenants in writing of their eligibility for applicable relocation assistance;
- Shall either state a specific date as the earliest date by which the tenant is required to move or state that the tenant will receive a further notice indicating, at least 30 days in advance, the specific date by which he/she must move;
- Informs the tenant to be displaced that he/she will not be required to move without at least 120 days advance written notice (Permanent Relocation) or 30 days advance written notice (all other);
- Informs the tenant to be displaced that any tenant who is not lawfully present in the United States is ineligible for relocation advisory services and relocation payments; and
- Describes the tenant's right to appeal the owner's assistance determination

In unusual circumstances, a tenant may be required to vacate the property on less than 120 days advance written notice if the owner determines that a 120-day notice is impracticable, such as when the tenant's continued occupancy of the property would constitute a substantial danger to his/her health or safety.

### **Content of 30-day Notice**

- Is issued no less than 30 days prior to the day that the tenant has to move, unless there is a health/safety concern;
- Is addressed to the tenant at his/her current address;
- States the specific date by which the tenant is required to move;
- States the address to which the tenant will be relocated;
- If applicable, the date on which the move-in inspection will be completed; and
- States the date that the tenant will receive keys to his/her unit

Under this section (*Permanent Relocation*), the owner must also provide Tenant Advisory Services, which include:

- Providing referrals for tenants to replacement properties
- Providing tenants with written information
- Providing appropriate translation and counseling for tenants who are unable to read and understand notices
- Communicating the name and telephone number of a contact person who can answer questions or provide other needed help
- Providing transportation for tenants needing to look at other housing, especially those who are elderly or disabled
- Giving special consideration to the needs of families with school age children
- Extending regular business hours, including evenings and weekends, so that tenants won't have to miss work

**Temporary Relocation including “Rehab-In-Place” (not to Exceed 30 Days):** A tenant is temporarily relocated if the following is true:

1. The tenant can return to his/her original unit or a comparable unit at the same property in 30 days or less of the time he/she moves for the rehab
2. The owner pays the tenant's moving and associated costs (including utility connection costs). The following guidelines apply:
  - A. One Move – if the tenant is moved out of his/her existing unit into a comparable rehabbed unit at the same property at no additional cost to the tenant
  - B. Two Moves – if the tenant is relocated to a non-rehabbed unit prior to being allowed to move into a comparable rehabbed unit at the same property, at no additional cost to the tenant
3. The owner pays tenant's inconvenience costs, which occur if as a part of the rehab the tenant is displaced for a partial day, during daytime hours, up to five days, e.g. refreshments in a 'day room'

Under this section (*Temporary Relocation, including “Rehab-In-Place”*), while the tenant should receive a 30-day Notice, he/she can agree in writing to move in less than 30 days.

**Temporary Relocation Due to Health & Safety Concerns (not to Exceed 30 Days):** Where a mold condition in the dwelling unit materially affects the health or safety of any tenant or authorized occupant, the owner may require the tenant to temporarily vacate the dwelling unit in order to perform remediation, in accordance with professional standards as defined in § 55-248.4 for a period not to exceed 30 days. The landlord shall provide the tenant with either (i) a comparable dwelling unit, as selected by the landlord, at no expense or cost to the tenant, or (ii) a hotel room, at no expense or cost to the tenant. See Code Section 55-248.12:2. Notice to the tenant can be immediate.

**Relocation Longer than 30 Days:** The owner must contact any tenant who has been temporarily relocated for longer than 30 days and provide to the tenant Advisory Services and Moving Cost Reimbursement (Full Relocation Assistance). This assistance will be in addition to assistance the tenant has already received for temporary relocation and may not be reduced by the amount of temporary relocation assistance already received.

#### *Moving Cost Reimbursement*

Owner's moving cost reimbursement to the tenant is limited to \$100.00 if either of the following applies:

- a. A tenant has minimal possessions and occupies a dormitory style room, or
- b. A tenant's move is performed by an agency at no cost to the tenant

If neither 'a' nor 'b' above applies, and the tenant opts to move his/her belongings, the reimbursement to the tenant may be based on one or a combination of the following:

1. Based on the Federal Highway Administration's [Fixed Residential Moving Cost Schedule](#) (see Virginia) - based on the number of rooms of furniture, **not** the number of bedrooms per unit.

2. Based on the *Tenant's Actual Reasonable Moving and Related Expenses* (including utility connection fees), which are defined as:
  - A. The lower of two bids or estimates prepared by a commercial mover; or
  - B. Receipted bills for labor and equipment

Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity and, equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover.

#### *Processing Tenant Moving Cost Reimbursement Claims*

To support claims for relocation, the tenant must provide documentation, including bills, certified prices, appraisals and other evidence of expenses. Owners must:

- Provide reasonable assistance necessary to complete and file tenants' claims for payment
- Make moving cost reimbursements upon receipt of billing documentation from the tenant
- Provide expedited return of security deposits or allow tenants to apply security deposits to the last month's rent
- Make advanced payments, if a tenant demonstrates the need, in order to avoid or reduce a hardship
- Promptly notify the claimant in writing of its determination, the basis for its determination and the procedures for appealing that determination, if it disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds
- Not propose or request that a displaced tenant waive his or her rights or entitlements to relocation assistance and benefits

#### Owner's Responsibility to VHDA

Owners are required to submit a *Renovation and Relocation Plan* (the Plan) to VHDA's Tax Credit Allocation Department with the Reservation Application. The Plan must be kept in plain sight and available for tenants to review and should be property specific, including at a minimum:

1. The name, address and contact person for the owner and management company
2. Scope of the work to be completed, including estimated start and completion dates
3. Planned measures to minimize construction impact on occupied units
4. Projected rents and rental policies after rehab
5. Names and addresses of tenants to be relocated permanently
6. Advisory services to be offered to permanently relocated tenants
7. Summary determination as to Moving Cost Reimbursement in rent roll format - by tenant, by unit – including for tenants who will be permanently relocated
8. Statement that the Plan is located in plain sight for tenants to review
9. Statement that all documentation related to relocation, including formal notices, bill receipts and canceled checks will be included in the Tenant's file

In addition, you are required to provide to VHDA, within 21 days of the date that notices are due to tenants, **one** of the following:

1. Copies of the letters sent to and acknowledged by each tenant (and an accounting of vacant units, if applicable)
2. Copies of USPS postal receipts (i.e., *Certificate of Mailing*) for each occupied unit
3. A *Certificate of Service* prepared by the sender, to include a copy of Notice; the date that the Notice was mailed/posted; and a list of the names and addresses of tenants to whom the Notice was mailed/posted

Furthermore, no later than 30 days after the last tenant is relocated (based on timeline provided to VHDA), the owner must provide to VHDA:

1. The *Final Summary Schedule Of Moving Costs* made to tenants (rent roll format; by tenant, by unit)
2. A Certification by the owner that it has met VHDA Moving Cost Reimbursement and Relocation Assistance Guidelines

Owners must document compliance by including in each tenant's file all documentation related to relocation, including all notices and agreements referenced herein, as well as bill receipts and canceled checks.

Be prepared to present this information to VHDA upon request.