

**BEAUREGARD SMALL AREA PLAN  
TENANT ASSISTANCE AND RELOCATION PLAN  
FOR PROPERTIES SCHEDULED TO BE DEMOLISHED  
Draft November 30, 2012**

The Tenant Assistance and Relocation Plan applies to units to be demolished in the Beauregard Small Area Plan. Participating Developers will provide relocation assistance to displaced Households at the time of redevelopment in accordance with this Plan. This Plan offers enhanced services to Households displaced by redevelopment in accordance with the Beauregard Small Area Plan.

Participating Developers will provide a Relocation Coordinator (Coordinator) commencing with 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, developers with multiple properties may designate a Coordinator for more than one development, and more than one Participating Developer may share a Coordinator, at the Participating Developers' discretion. The Coordinator will be responsible for coordination and implementation of the Tenant Assistance and Relocation Program for that property or properties in coordination with the City's Office of Housing. The Coordinator will be available on site, during regular hours and by appointment, to provide assistance and information to residents as set forth herein. Services will be provided until all Households in units to be demolished during that particular redevelopment phase have been relocated.

The relocation process will include two distinct but concurrent processes:

1. Identification of eligible Households, prioritizing and placement of displaced Households in available Committed Affordable Unit (CAU)s
2. Relocation (monetary payment and referral/placement assistance) of displaced Households.

The City's Office of Housing will be responsible for policy and implementation related to identification, prioritizing and placement of Households in Committed Affordable Units (CAUs). Participating Developers will be responsible for referrals/placement assistance, monetary assistance, notice to displaced Households, and for providing survey information to the City regarding Households to be displaced.

**Definitions**

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

*"Committed Affordable Units"* are long-term affordable replacement units developed pursuant to agreement with the City for Beauregard Small Area Plan. Rents and rent increases for these units will be established in accordance with specified maximum income levels.

*"Comparable Units"* are units made available to displaced Households that are comparable in size and rent to units from which the Household is displaced. There is no restriction on rent increases for these units.

*"Participating Developers"* are the owners of the Southern Towers Berkeley Building and the units to be demolished in the residential neighborhoods of Seminary Overlook, The Town Center, Garden District and Greenway.

**“Reasonable Criminal Background Screening Policy”** A criminal background screening policy which is not overly broad, does not exclude everyone with a criminal record, does not rely solely on arrest records (without convictions), and which provides a process for considering mitigating circumstances.

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

- 1) Are current in rent at the time of receipt of 120-day notice to terminate tenancy.
- 2) Have lived in a unit owned by a Participating Developer for more than 12 consecutive months immediately prior to relocation;
- 3) Have not made more than three late payments during the last three years of the tenancy, or no more than one per year if the Household has been in residence for less than three years.
- 4) Have received no more than one 21/30-day notice to cure during the last two years; and all violations were cured without further notice from the landlord.
- 5) Have not been served a Summons for Unlawful Detainer for non-payment of rent that was not dismissed prior to the first return date at any time within the last two years. An exception will be granted to any Household that has been current in rental payments for at least 18 months after receiving emergency rental assistance from the City’s Department of Community and Human Services.
- 6) Have passed a criminal background check based on Reasonable Criminal Background Screening Policy as defined herein.

### **Relocation of Displaced Households – Developer’s Relocation Coordinator(s)**



### **Relocation of Displaced Households**

Relocation of displaced Households will begin prior to demolition and will be considered completed after all displaced 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 relocation during this process as set forth below in coordination with the Office of Housing.

### **Communication and Notice**

The Participating 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 9 months prior to demolition. This notice will explain the projected timing of demolition and relocation activities, contact information for the Coordinator or management staff available to answer questions prior to hiring a coordinator, and a description of services that will be available during relocation activities. The preliminary notice will be delivered by regular mail and hand delivery.

In addition to the preliminary notice, a second notice in compliance with Section 55-222 of the Code of Virginia will be given at least 120-days prior to lease termination. To ensure that residents understand the process and can participate in planning for their future, Coordinators will translate written notices into Spanish, provide Spanish language 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.

### **Survey of Residents in Units to be Demolished**

At the time of the 120-day notice, the Participating Developer will survey affected residents regarding their Household's composition, income and any special considerations (i.e., need for accessible unit). Survey information will be provided to the City at least six months prior to termination of tenancies and demolition. Participating Developers will cooperate with the City in making reasonable efforts, (which shall herein be defined as three attempts to obtain a survey response either by mail or in person) to reach affected residents. If residents do not respond to the survey after reasonable efforts, Participating Developers will provide available information regarding the Household to the City. Participating Developers will also provide documentation to the City of their outreach efforts to those Households who did not respond to the Survey.

### **Referral to Comparable Units**

Reasonable effort will be made to refer Households in Good Standing with incomes not exceeding 75% AMI to an available Comparable Unit in the Plan area. If no such unit is available, the Coordinator will provide referrals to units elsewhere within the City.

Whenever 120-day notices are issued for any Participating Developer units, all Participating Developers 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, Participating Developers will establish a process for cooperation between their 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 in the Plan. The Coordinator will refer Households with incomes up to 75% AMI 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 within the Plan area to the relocating Household upon request. Households in Good Standing will be eligible for a Comparable Unit until such time as they relocate from their existing unit, which shall be no later than 120 days from the 120-day notice to vacate. If a relocated Household is again displaced from a subsequent phase of redevelopment, the Household will again be eligible for a comparable unit if the Household is in Good Standing at that time.

The Coordinator will provide Households in Good Standing with a letter certifying the Household's eligibility as a Household in Good Standing as defined herein. Participating Developers may have certification of Households in Good Standing provided through the services of a third party contractor at no cost to the Household.

After certification as a Household in Good Standing, the Household will be offered an available Comparable Unit on the list of available units of all Participating Developers. If none of the Comparable Units on the list provided by the Coordinator are available after the Household has contacted property management for the listed units with appropriate sizes and rents, the Household should contact the Coordinator who will provide an updated list of available units within the Plan area and/or a list of available units elsewhere in the City. A Household not certified as a Household in Good Standing may apply for a Comparable Unit subject to the Participating Developer's standard screening criteria. These Households will not be promised available units and will have no more priority than any member of the general public if accepted for tenancy. The Coordinator will provide the City with the list of available units upon request.

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 notices are given, and will provide updates regarding any such additional resources that are developed or secured.

### **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 return should be expedited to the extent possible. Any Household in receipt of the 120 day notice to vacate will receive a refund of any security deposit and applicable interest, regardless of whether they choose to relocate within the Plan Area and regardless of when they vacate during the 120 day period. Prior to the return of the security deposit, Households will be asked to indicate whether they intend to use the assistance of the Coordinator. Charges for damage to units scheduled to be demolished will not be charged against a Household's security deposit unless the Participating Developer incurs additional costs to prepare the unit for demolition due to the fault of the tenant.

### **Relocation Assistance Payments**

Following the 120 day notice, all displaced Households current with rent will receive relocation assistance payments regardless of income, certification as a Household in Good Standing, or priority for a CAU. The Coordinator will process payment for the Household based on the schedules in the City's Housing Conversion Assistance Policy in effect at the time checks are issued. The current relocation payment schedules are as follows:

#### **Residents who are not Very Low Income, Elderly or Disabled<sup>1</sup>**

Efficiency \$750  
One Bedroom \$950  
One Bedroom and Den or Two Bedroom \$1,150  
Two Bedroom and Den or Three Bedroom \$1,350  
Three Bedroom with Den Six Rooms \$1,550

Periodic revisions made by the State will be incorporated into the Relocation Payment Schedule under this Housing Conversion Assistance Policy. It is expected that if the Relocation Payment Schedule is

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<sup>1</sup> Very Low Income is defined as the current 50% AMI limit established by HUD. Elderly is defined as 62 years of age or older.

revised by the State, the Participating Developer will adhere to whatever payment levels are in effect at the time payments are made to residents. Households whose income is less than Section 8 very-low income levels or who are elderly or disabled will receive a higher payment equal to 200% of this payment as listed below.

**Residents who are Very Low Income, Elderly or Disabled**

- Efficiency \$1,500
- One Bedroom \$1,900
- One Bedroom and Den or Two Bedroom \$2,300
- Two Bedroom and Den or Three Bedroom \$2,700
- Three Bedroom with Den Six Rooms \$3,100

In regard to the timing of payments, Participating Developers agree to provide relocation payments to residents after residents give 30-day notice after receiving their 120-day Notices to Vacate. Payment should occur in full when the resident has notified the Participating 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.

**Fair Housing**

This document is subject to revision if dictated by Fair Housing Laws.

**Committed Affordable Units (CAU)**

The process of determining eligibility for a CAU will begin at the onset of redevelopment and will continue through all phases. All Households living in properties proposed for redevelopment will receive applications and information regarding the affordable housing program and the application process. The City’s Office of Housing will have primary responsibility for eligibility and priority determinations with assistance from Participating Developers in disseminating information to all Households living in units to be demolished.

**Eligibility and Priority – Office of Housing**



## **Establishment of Eligibility and Priority Status for CAUs**

To assess housing need and qualification for a CAU, the Coordinator will distribute written notification of the CAU Program and the opportunity to submit prequalification information for the purpose of establishing eligibility for a CAU to all Households living in a unit to be demolished during any phase of redevelopment. Prequalification applications and information will be provided by the City and will collect information regarding factors necessary to determine, on a preliminary basis, the eligibility and priority status of each Household for a CAU when available. The package will include a confidentiality waiver allowing the City to verify eligibility information with the Coordinator.

Responses will be returned by the residents directly to the City. Confirmation of receipt of the application will be provided by the City to the resident, but it will be the resident's responsibility to follow up with the City if the Household does not receive confirmation of their application having been received. The City will use the prequalification applications to establish a preliminary wait list for CAUs. The City will prioritize the wait list based on established criteria and preferences discussed below and will maintain the wait list for CAUs. Residents will be responsible for providing the City with updated contact information if/when they relocate at any time while they are on the wait list.

At the time of 120-day notices, the City will provide the Coordinator with an additional information packet to be distributed with the Developer's notice. The packet of information will request updated information from all Households in residence in the affected units at that time, including Households on the wait list. The information will include a confidentiality waiver allowing the City to verify eligibility information with the Coordinator.

City staff will request new qualification income from Households on the wait list for a CAU at the time of each redevelopment or when a potential unit is identified for a Household on the wait list. Final information will be verified by City staff when a CAU becomes available for the Household. A Household's final eligibility and priority designations will be established at that time regardless of the Household's status at the time of prequalification.

Separate wait lists will be maintained by bedroom size.

### **Level I Priority Households**

In order to receive Level I priority for a CAU a Household must have lived in a unit identified for demolition on May 12, 2012 when the Beauregard Small Area Plan was approved by City Council and must be living in a unit identified for demolition at the time of approval of this Tenant Assistance Plan by City Council. All Level I priority Households will be assisted within each bedroom size prior to offering CAUs to other Households on the wait list. Although the number of Priority I Households may exceed the number of CAUs, it is possible that the number of Level I Households needing a particular size of unit (e.g., efficiency) may be less than the number of available CAUs of that size, in which case such excess units would be made available to Level II Households and/or other Households qualified for affordable/workforce housing in the event all Level I and II Households have been considered.

### **Level II Priority Households**

Level II priority Households are residents of a redevelopment property who moved into that property after May 12, 2012 and who live in a unit identified for demolition as of the date of approval of a DSUP that will result in the demolition of their unit or will otherwise displace the Household as a result of the approved DSUP. However, if such a resident moved into the property from another property where the resident had already attained Level I status, the resident will retain the Level I status.

### Priority Criteria

All Level I and Level II Households will be assigned points as shown below. For the purpose of allocating CAUs, all Level I Households will be considered (for a given unit size) before any Level II Households are considered.

### Priority Criteria

Household lives in unit to be demolished at the time of approval of the DSUP*	11
Income @ or below 40% AMI	2
Child or children in Ramsay or John Adams	2
62 or older and/or has a disability	2
Lived in the plan area for more than three years	1**
<b>OR</b> Lived in the plan area for more than 10 years	2**
Primary place of employment is in or within designated distance (TBD) of plan area	1
Has been relocated during a prior phase	1

\*When Households are relocated to subsequent phases the Household will maintain these points after the move.

\*\*No more than two points for longevity

### Priority and Referral to CAUs

The Coordinator will work with designated City staff in placing priority Households in available CAUs in the order of priority. Points will be assigned (as set forth above) to determine the priority order for relocating residents to a CAU. For each unit size, Households will be reviewed in order of their point values. The priority order of Households with identical point values will be determined by lottery. If a CAU that meets a Household's need is available, the Household will be relocated to the CAU. If no CAU is available, the Household will be referred to a Comparable Unit and remain or be placed on a wait list for a future CAU if and when a suitable one (i.e., size, affordability level) becomes available.