

Tenant Displacement Protections Fact Sheet

Housing development or redevelopment can result in displacement of existing tenants. Understanding that displacement can be particularly challenging for low-income renters, Arlington County has a robust toolkit to provide support under various scenarios. The purpose of this document is to describe resources and protections that may be available to residents facing displacement. When Arlington County renters (also referred to as tenants throughout) are displaced from rental properties because of purchase, demolition, conversion or renovation, the following resources and protections are available.



Available Resources

1 Virginia Residential and Landlord Tenant Act (VRLTA)

Under the VRLTA, landlords are required to provide 120 days' notice when terminating a lease. If the tenant has a month-to-month or no lease, only 30 days' notice is required.

2 Relocation Guidelines

The County has Relocation Guidelines that provide administrative guidance for owners assisting tenants facing temporary or permanent displacement from residential rental properties proposed for renovation or redevelopment, conversion to nonresidential use, demolition or sale. Services and benefits available to tenants may include relocation payments, including moving costs and assistance, and housing location assistance.

3 Uniform Relocation Act (URA)

The URA is a federal law that establishes minimum relocation standards for federally funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms. The URA's protections and assistance apply to tenants displaced as a result of the acquisition, renovation, or demolition of real property for federal or federally funded projects, such as housing development projects funded with Community Development Block Grant or HOME Investment Partnerships dollars.

4 Tenant Assistance Fund (TAF)

Tenant Assistance Funds are a local resource that provide rent assistance to families at or below 60% area median income (AMI) who might be displaced during a project involving Committed Affordable Units (CAFs) which results in increased rents. TAFs will provide assistance to eligible households for the duration of renovation/construction work, plus 12 months.

5 Tenant Services

The County has a contract with a community-based organization to provide relocation services to tenants who are being displaced, particularly in market-rate affordable (MARKS) properties that may not have relocation plans or TAFs in place. Services may include housing location, education on tenant rights and responsibilities, transportation assistance, and negotiation with landlords. This contract is currently held by BU-GATA.

6 Eviction Prevention

The County has limited emergency financial assistance funds that can cover rent, utilities, arrears, application fees, late fees, and other related needs for households at or below 50% AMI. To be eligible for assistance in paying rent and/or arrears, proof of a loss of income and a late notice or eviction notice is required.

The following matrix provides a snapshot of which services are available under specific circumstances.

	By-right property tenant displacement	Site plan/form-based code property tenant displacement	CAF property tenant displacement
Notice required from owner	120 days for annual leaseholders; 30 days for month-to-month leases	120 days for annual leaseholders; 30 days for month-to-month leases	120 days for annual leaseholders; 30 days for month-to-month leases
Tenant Assistance Fund administered by CPHD	Not eligible	Not eligible unless onsite committed affordable units will be available post-renovation/redevelopment	Eligible tenants: <ul style="list-style-type: none"> • Up to 60% AMI; • Must remain in Arlington; • Must agree to move back to the new or renovated CAF; • Must be acknowledged tenant on a lease; • Must have lived in the property for a specific amount of time; • Cannot have other rent assistance
Relocation payments and assistance from owner	Voluntary for developer	Required; may include payments, housing location assistance, translation, etc.	Required; may include payments, housing location assistance, translation, etc.
Individualized tenant services	May include housing location, education on tenant rights and responsibilities, transportation assistance, and/or negotiation with landlords (County staff, BUGATA)	May include housing location, education on tenant rights and responsibilities, transportation assistance, and/or negotiation with landlords (County staff, BUGATA)	May include housing location, education on tenant rights and responsibilities, transportation assistance, and/or negotiation with landlords (County staff only)
Emergency assistance administered by DHS <i>(There is a \$3,000 cap per calendar year per household)</i>	Limited emergency financial assistance funds for households at or below 50% AMI <i>Note: To be eligible for assistance in paying rent and/or arrears, proof of a loss of income and a late notice or eviction notice is required.</i>	Limited emergency financial assistance funds for households at or below 50% AMI <i>Note: To be eligible for assistance in paying rent and/or arrears, proof of a loss of income and a late notice or eviction notice is required.</i>	Limited emergency financial assistance funds for households at or below 50% AMI <i>Note: To be eligible for assistance in paying rent and/or arrears, proof of a loss of income and a late notice or eviction notice is required.</i>

Potential Gaps

These resources create support for many Arlington renters, but do not protect all tenants. The tenants that are at highest risk of being displaced include the following:

- Renters in by-right properties, because relocation benefits are not required and Tenant Assistance Funds are not available;
- Renters not on a lease (e.g., an over-crowding situation) as they may not be eligible for relocation and related supports;
- Renters with a month-to-month or no lease, because they are only obligated to receive a 30 day notice to vacate;
- Renters who are not receiving rental subsidies, because they may not have ready access or knowledge of County resources or services; or
- Renters whose income is above 50% AMI, because they are not typically eligible for emergency assistance.

Strategies for Filling Gaps

In some circumstances, the County may be able to provide eviction prevention or other emergency financial assistance, and/or assist with relocation services. This may include when a large-scale displacement is occurring and households aren't generally eligible for one or more of the services described above; for example, in the case of a large-scale displacement resulting from a by-right project in which low-income households are not eligible for a TAF, County staff may deploy to assist these households. In these situations, relevant agencies (Community Planning, Housing and Development (CPHD), Department of Human Services (DHS) and BU-GATA) will closely coordinate and assign a point person from each agency to ensure that resources are leveraged. Specifically, CPHD is anticipated to lead the overall response with *BU-GATA leading on-the-ground tenant relocation efforts and DHS coordinating emergency assistance requests (pending available resources).

County staff also continues to pursue opportunities to increase resources for displaced tenants, including the following strategies:

- The Long-Term Strategies for Improved Oversight and Tenant Support at Aging CAF Properties report, released in April 2022, provides multiple recommendations to assist renters. While the report is focused on CAF properties, many of the recommendations will apply to the renter community in general; for example, County staff is developing targeted materials and outreach strategies to inform renters of their rights and responsibilities.
- Staff is investigating options for being notified early of housing development or rehabilitation that may result in tenant displacement, particularly as part of the Permit Arlington system.

**BU-GATA is the organization providing tenant services via a services contract with the County. Whichever organization is awarded this contract would support these relocation efforts if/when the need arises.*