

FAIRFAX COUNTY RELOCATION GUIDELINES

PREPARED BY:
**FAIRFAX COUNTY DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT**

**REAL ESTATE FINANCE and GRANTS MANAGEMENT DIVISION
HOMEOWNERSHIP and RELOCATION SERVICES BRANCH**



**Approved by
Fairfax County Board of Supervisors
June 1993**

Revised June, 2010

TABLE OF CONTENTS

<i>I.</i>	<i>INTRODUCTION.....</i>	<i>1</i>
<i>II.</i>	<i>DEVELOPER REQUIREMENTS.....</i>	<i>3</i>
<i>III.</i>	<i>DEFINITIONS</i>	<i>5</i>
<i>IV.</i>	<i>MEASURES TO BE TAKEN TO RETAIN TENANTS</i>	<i>7</i>
<i>V.</i>	<i>TENANTS ELIGIBLE TO REMAIN.....</i>	<i>8</i>
<i>VI.</i>	<i>PERMANENT RELOCATION.....</i>	<i>11</i>

ATTACHMENT A ***Memorandum of Agreement***

ATTACHMENT B ***Relocation Survey***

I. INTRODUCTION

Fairfax County encourages owners and developers of multi-family rental projects or mobile home parks that are proposed for demolition, substantial rehabilitation or conversion to another use to develop a Relocation Assistance Plan. Such relocation plans offer a tool to assist the owner/developer in the orderly development of a project. The planning process identifies the complexity and nature of the program. Assistance to tenants in the form of Relocation benefits and advisory assistance can eliminate costly evictions and project delays while at the same time provide displaced persons with the necessary assistance to move to replacement housing for low and moderate income persons. The development of guidelines can also minimize adverse public reaction and ill will among the residents and the community. The Fairfax County Relocation Guidelines are intended to be the basis upon which such relocation assistance plans are written and implemented.

The Fairfax County Board of Supervisors herein designates the Department of Housing and Community Development (DHCD) to act as a liaison with developers in the development and implementation of a Relocation Plan. Relocation plans should be submitted to DHCD.

Attachment A is the Memorandum of Agreement Concerning Guidelines to Minimize the Adverse Impacts of Condominium and Cooperative Conversion on Low and Moderate Income Tenants. This agreement between the Fairfax County Board of Supervisors, the Condominium Developers Association, the Apartment and Office Building Association

and the Northern Virginia Builders Association is attached for further guidance in developing a Relocation Plan. Owner and developers may contact the HCD Homeownership and Relocation Branch at 246-5086 or the Development Division at 246-5185 to discuss sources of assistance available in developing a Relocation Program or in retaining or developing low and moderate income housing.

The intent of these Guidelines is to establish methods by which displacement may be minimized and to encourage fair, consistent, and equitable treatment of displaced persons. These Guidelines include provisions for advisory and referral services as well as monetary assistance and benefits to eligible families who are permanently displaced from the project. The Guidelines also include suggestions about assistance to tenants who remain in occupancy after rehabilitation of the project.

Families who are protected and provided assistance under the Federal and State Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, will not be covered by the provisions of these particular guidelines. Also, persons displaced as a result of condominium conversions are not covered by these guidelines but are covered under the Fairfax County Condominium and Cooperative Ordinance (Chapter 12, Article 4, Sections 1-5 – Condominium and Cooperative Conversions).

Owners and developers whose properties are exempt from the Virginia Residential

II. DEVELOPER REQUIREMENTS

Landlord and Tenant Act are not covered by these guidelines.

Owners and developers are encouraged by the Fairfax County Board of Supervisors to submit a

relocation assistance plan when any of the following activities are planned:

- demolition of a rental project
- substantial rehabilitation of a rental project including, but not limited to, electrical, plumbing, building, and mechanical improvements
- conversion of rental housing to another use including planned unit development, hotel, motel, or other commercial use.

Developers are encouraged to contact the Department of Housing and Community Development Homeownership and Relocation Services Branch and other appropriate county officials during the planning stages of their projects to discuss the relocation assistance plan and provide tenant demographic information. The relocation assistance plan should ideally be submitted before building permits, rezoning applications or site plan applications are submitted to Fairfax County Department of Public Works and Environment Services (DPWES). Once a Relocation Assistance Plan is developed it should be submitted to Fairfax County Department of Housing and Community Development, Chief, Homeownership and Relocation Services Branch, located at 3700 Pender Drive, Suite 100, Fairfax, VA. 22030.

At a minimum, the Relocation Plan should contain the following:

- 1) Name, address and phone number of contact person for the owner/developer/management company.
- 2) Scope of the work to be done, phasing of work, and project timetables.

- 3) Information on how the relocation assistance plan will be implemented, including use of in-house staff, any persons to be hired or contractual arrangements made.
- 4) Estimated number of persons to be permanently displaced.
- 5) Estimated number of persons to be temporarily displaced.
- 6) Information on relocation payments, advisory services and eligibility requirements for such payments and services.
- 7) Anticipated rents and new rental policies after the rehabilitation or change in use of the property.
- 8) Considerations to be given to minimize tenant disruptions should the rehabilitation be carried out with tenants in place.

The Relocation Plan will be reviewed by HCD to determine if essential elements of the plan follow the intent of the County's adopted Relocation Guidelines. HCD Relocation staff will provide consultation assistance as the Relocation Plan is carried out. Assistance from agencies such as HCD, Consumer Affairs, and non-profit organizations may be obtained for such services as program development, interpretation of applicable codes, community outreach, tenant organizing and translation services.

III. DEFINITIONS

The following definitions may be helpful in preparing relocation assistance plans.

Decent, Safe and Sanitary Housing - A dwelling which meets applicable housing and occupancy codes.

Displaced Person - A person who is required to move permanently and involuntarily.

This term could also refer to a residential tenant who moves from the real property if it is determined that:

(A) The tenant has not been provided with a reasonable opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building or in a nearby building on the real property following the completion of the rehabilitation at a monthly rent and estimated average cost for utilities that does not exceed the greater of:

- (1) 30 percent of the tenant household's average monthly gross income (not to exceed market rent); or
- (2) the rent and average cost for utilities paid by the tenant at the time the building permits or site plan applications are submitted to DPWES.

(B) The tenant is required to move to another dwelling in the real property but is reimbursed for all reasonable out-of-pocket costs incurred in connection with the move; or

(C) The tenant is required to relocate temporarily and:

- (1) is not reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including moving costs and any increased rent and utility costs; or
- (2) Other conditions of the temporary relocation are not reasonable. For example, several temporary moves are required.

Good Standing - A tenant in good standing is one that has no outstanding unpaid balance and has not been issued a 30 day vacate notice due to a substantial lease violation.

Gross Income - Income from wages, tips, other compensation, benefits, grants and government assistance.

Housing Cost - Includes rent and utilities paid by the tenant which may include gas, electric, water and sewer charges.

Just Cause Evictions - an eviction, in conformity with state and local law, due to non-payment of rent or lease violations of a substantial nature.

Long-Term Resident - Tenant has lived in the property over 5 years.

Permanent Move - A move outside the project that is necessitated and required by the developer under a 120 Day Notice to Vacate or where tenant leases are not being renewed at the expiration of their term in anticipation of demolition, rehabilitation or conversion.

Relocation Assistance - Advisory services and monetary assistance, as described further herein, given to persons required to move due to the rehabilitation.

Temporary Move - A move that is necessary to carry out the rehabilitation. If a

move/evacuation is required for emergency purposes and its duration is 14 days or less, it is not considered to be a temporary move.

Unit, Dwelling Unit or Replacement Unit--A residential space that qualifies under the laws of the Commonwealth of Virginia as a place of permanent habitation, such as an apartment, mobile home, town house or house that contains a living room, kitchen area, bathroom(s) and sleeping area as bedroom(s).

IV. MEASURES TO BE TAKEN TO RETAIN EXISTING TENANTS

Before the Relocation Plan is submitted to HCD, it is recommended that tenants in the project be surveyed. A sample form can be found in Attachment B. The survey should be designed to determine the relocation needs of each tenant and what measures can be developed to retain existing tenants. Where it is determined that tenants would be burdened economically by the increased rents in a project undergoing substantial rehabilitation, the developer should offer measures to retain tenants such as those following:

- phasing in of higher rents;
- offering discounts to existing residents;
- long term leases (3 years or longer) for elderly and handicapped persons;
- retaining 20% of the units in the development at rents at or below the established Fair Market Rents for the federal Section 8 Existing Housing Assistance payments program in Fairfax County;

- initiating moderate rehabilitation to keep rents at a reasonable level;
- seeking out VA, FHA or first-time homeowner financing.

V. TENANTS ELIGIBLE TO REMAIN

Some tenants in projects undergoing substantial rehabilitation may qualify to remain and as such are not considered displaced persons.

A tenant may qualify to remain under the following circumstances:

- The Housing Cost for a rehabilitated unit does not exceed the greater of 30% of the tenant household's average monthly Gross Income or the rent and average cost of utilities paid by the tenant at the time the building permits or site plan applications are submitted to DPWES.
- The tenant meets tenant selection criteria requirements of the developer.

The tenants who qualify to remain after the rehabilitation should receive the following considerations when an internal move is required:

1. Every effort should be made to minimize temporary moves and limit temporary moves to one with the duration of the temporary relocation limited to a reasonable period that is specified in the Relocation Plan submitted by the developer.
2. The temporary unit should be similar in size to the former unit and must be decent, safe and sanitary. The Temporary Move should be within the project or to a unit outside the project that is within a reasonable distance to the tenant's employment and schools.

3. The developer should contract with an insured, experienced moving service or use trained staff to perform moves. The costs of any necessary pre-approved storage and reconnecting of utility services such as gas, electricity, water, telephone and cable television for both the temporary move and a move to a rehabilitated unit should also be considered reasonable out of pocket costs eligible for reimbursement.
4. The rent at the temporary dwelling should not exceed the rent at the former address and the developer/sponsor should consider paying for any security deposit or additional rent required for an off-site Temporary Move.

Persons who move into the property after the site plan or building permit applications are filed should be informed in writing of the developer's intent to rehabilitate the property, the possibility of rent increases, the estimated new rents, and the possibility of a temporary move. Prospective tenants should be admitted into occupancy only if they meet the tenant selection criteria for the rehabilitated units.

At least 30 days notice should be given to the tenant for any required Temporary Move or a move into a rehabilitated unit. The written 30-day notice should include the following information:

1. The date by which the move must be made
2. The address of the unit to which the tenant will move

3. A name and phone number of a contact person or the owner or developer's staff who will assist tenants with their move

If tenants are responsible for increasing or updating their security deposit prior to moving to a rehabilitated unit, the developer may consider working out an installment plan for any necessary increased security deposit payment, based on the need demonstrated by the tenant. If a certain percent of units are set aside at below market rates, the following priority system can be utilized to determine who receive the below market rental.

- 1) Residents in the development who are elderly (age 62 and over);
- 2) Residents in the development who have mental or physical disabilities;
- 3) Long-term residents;
- 4) Other residents in the development who will be displaced due to the development process; and
- 5) All other eligible applicants

In each of the categories above the lowest income persons that meet the tenant selection criteria should be served first and the bedroom size must be adequate for the family size.

If another priority system is more appropriate, the developer should discuss this with HCD staff.

VI. PERMANENT RELOCATION

Some persons may be permanently displaced in projects converting to another use, where

demolition will occur, and in projects undergoing substantial rehabilitation.

The developer should make written assurances in their Relocation Plan that permanent relocation will be minimized and if there is permanent relocation, it will take place in stages. The developer should address in their Relocation Plan how any staging will be accomplished.

Adequate Notification - Section 55-222 of the Code of Virginia requires 120 days' written notice for terminations 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 hotel, motel, apartment hotel or other commercial use, planned unit development, rehabilitation, demolition or sale to a purchaser requiring an empty building. Tenants who move into the property after the 120 day written notices have been issued will be notified in writing of the scheduled date for rehabilitation or change in use. Relocation assistance, including advisory services and monetary assistance that will be available to eligible persons displaced by the project, should be distributed in the early stages of the project.

Eligibility Requirements

The Relocation Plan should specify that, in order to qualify for advisory services and monetary assistance, persons who are permanently displaced must meet the following eligibility requirements:

1. The tenants must have signed a lease or have been approved for occupancy by the owner or his agent.
2. The tenants must remain in Good Standing as defined in Section III

3. The tenant is not being evicted for just cause as defined in the Section III
4. The tenant must leave the unit in good condition upon vacating; reasonable wear and tear is acceptable
5. The tenants must file a claim for relocation payments within 3 months of their move from the project

The following advisory services should be provided by the developer's relocation staff to persons who will be permanently displaced:

1. Personal interview of the displacee to determine their relocation needs and preferences.
2. A monthly listing of vacant units within a 10 mile radius of the development should compiled and distributed to displacees who have received notification to move. The list should include available units owned by the developer outside the project.
3. Bilingual interpreters should be made available to facilitate communications with tenants who cannot communicate in English.
4. Referrals of available units should be made available on a continuing basis and in order to be useful should be given in the following ways:
 - a. Referrals should be available to the displacee without excessive competition by other interested parties. Over utilization of referrals should be avoided.
 - b. Referrals should be within the same price range as the project rent or within the displacee's ability-to-pay.
 - c. Referrals should be located in an area that is convenient to the primary wage earner's employment to the extent possible.
 - d. Referrals must be decent, safe and sanitary as defined in the Section III of

these guidelines.

5. At least one referral that meets the above criteria should be provided at the time of the issuance of the 120 Day Notice.
6. An effort by management should be made on behalf of the displacee to:
 - a. Give a fair and honest rental reference to prospective landlords.
 - b. Explain the nature of the displacement and rehabilitation to prospective landlords.
7. Referrals to federally subsidized apartments and to programs operated by the Fairfax County Redevelopment and Housing Authority should be given, where appropriate.
8. An attempt should be made to locate suitable units for relocation purposes. Residents should be urged to seek other possible housing resources and be advised not to accept any substandard housing.
9. Special assistance and/or referrals should be provided to Displaced Persons who may have difficulty locating housing due to Fair Housing issues.
10. Assistance should be provided in filling out and understanding relocation claim forms.
11. Transportation assistance to available replacement units should be provided for needy elderly and handicapped residents.

Monetary Assistance

It is recommended that Relocation Assistance Plans contain provisions for monetary assistance. The following relocation benefits are recommended as reasonable and can be

offered by the developer to persons permanently displaced.

Fixed Moving Expense Payment

This payment is based on whether the unit is rented as furnished or unfurnished and upon the number of occupied rooms. In calculating occupied rooms, hallways, closets and bathrooms are excluded. One storage room may be counted, if applicable. The schedule follows the Federal Highway Administration (FHWA) schedule for Virginia originally published in the Federal Register (56 FR 27549) on June 14, 1991 and currently available on the Internet at www.fhwa.dot.gov/realestate/fixsch96.htm. The schedule in these guidelines will be automatically amended whenever the FHWA schedule is amended.

RESIDENTIAL MOVING EXPENSE PAYMENT SCHEDULE (Effective August 22,2008)								
UNFURNISHED UNITS (occupants owns furniture)								
Rooms	1	2	3	4	5	6	7	8
Payment	\$550	\$750	\$950	\$1150	\$1,350	\$1,550	\$1,750	\$1,950
FURNISHED UNITS (occupants does not own furniture)								
Rooms	1	2	3	4	5	6	7	8
Payment	\$350	\$425	\$500	\$575	\$650	\$725	\$800	\$875
This schedule follows the Federal Highway Administration (FHWA) schedule for Virginia published in the Federal Register. It will be automatically amended whenever the FHWA schedule is amended.								

If the legal tenants decide to move to two or more replacement dwellings, the fixed payment could be prorated by the number of rooms occupied by each tenant.

For displaced mobile home owners or renters, the moving expense payment could be the choice of a payment for actual, reasonable costs to move the mobile home to another location, or a payment based on the Residential Fixed Moving Expense Payment Schedule.

The Security Deposit Differential Payment

This payment offers assistance with the additional new required security deposit in an amount equal to the difference between the tenant's security deposit which is held by the owner/agent and the new security deposit for the replacement dwelling. Example:

Deposit required for replacement dwelling	\$750
Deposit held by owner/agent	<u>\$400</u>
Differential Security Deposit	\$350

Tenants should be eligible for this payment when they move to a replacement dwelling that is decent, safe and sanitary. This determination can be made by the owner's staff or by completion of an inspection form by the tenant.

Expediting Payments to Permanent Displacees

Review of Claims

The developer should review claims within 5 working days. The claimant should be promptly notified if any additional documentation is needed to support his claim.

Payment for a satisfactory claim should be made by the developer within 30 days following receipt of documentation to support the claim.

Advance Payment

If a person demonstrates the need for a relocation payment in order to avoid or reduce a hardship, the developer may issue the fixed moving expense payment or security deposit differential payment prior to the move, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.

In order to facilitate the securing of or move to a replacement dwelling, payments may be made directly to contractors or landlords upon written request by the tenant.

Security Deposit Refund and Rent Proration

The developer should refund any security deposit at the time the unit is vacated, or in accordance with applicable law. As an additional benefit and in order to encourage timely relocations, the developer can agree to prorate the final month's rent when a qualified relocation occurs after the issuance of a 120 Day Notice regardless of provisions in the existing lease agreement. If the tenant moves to his/her replacement unit during any part of the month and has paid for a full month's rent, the unused portion of rent payment should be refunded to the tenant within 30 days.

Documentation

The following documentation should be required:

1. Appropriate claim form
2. Lease or Rental Agreement for Replacement Dwelling which states the security deposit required and new rent

If a claim is denied, the full amount of the claim is not paid, or the claim is refused because of late filing or any grounds, the owner/agent should notify the claimant in writing of its determination of the denial within 5 working days.

Recordkeeping

An individual file should be kept for each household or individual who is interviewed.

All information pertaining to the family should be kept in this file. Relocation referrals should be kept in this file and should contain information as to rejection of the referral by the tenant whenever possible (this will provide documentation by the developer/sponsor of efforts to assist in the relocation).

All files should be kept for a minimum of one year. Each resident should have the right to see his/her relocation records. It is recommended that files and records be made available to the Fairfax County Department of Housing and Community Development staff or other appropriate agencies upon reasonable request.

June 7, 2005

F:\Users\RELSHARE\Relocation\Fairfax County Relocation Guidelines\Ffx County Relocation Guide - rev 6-2005 and ordinance Provisions.doc

**MEMORANDUM OF AGREEMENT CONCERNING GUIDELINES TO MINIMIZE
THE ADVERSE IMPACTS OF CONDOMINIUM AND CO-OPERATIVE
CONVERSION ON LOW AND MODERATE INCOME TENANTS**

This memorandum of agreement between the Fairfax County Board of Supervisors and the Condominium Developers Association, the Apartment and Office Building Association, and the Northern Virginia Builders Association has been adopted in an effort to minimize the adverse impacts of condominium and co-operative conversion on low and moderate income tenants.

It is recognized that:

- Condominium and cooperative conversions result in increased home ownership opportunities for County residents, increased property tax revenue to the County and, in some cases, through rehabilitation may revitalize and extend the life of older properties.
- Condominium and cooperative conversions also have an adverse effect on the tenant community, particularly the low-income, elderly and handicapped, by displacing those tenants who are unable or unwilling to purchase their converted units and presenting them with a reduced range of alternate rental housing.
- The burden of providing assistance to tenants affected by conversion is a problem for the industry and the County to resolve by active and sincere cooperative efforts.

Therefore, in consideration of the foregoing premises, the County government and the Condominium Developers Association, the Apartment and Office Building Association and the Northern Virginia Builders Association agree to the following guidelines:

For the County Government

1. The Board of Supervisors has identified the Department of Housing and Community Development to act as liaison with developers of conversion condominiums and cooperatives and to coordinate County programs and services.

2. The County will endeavor to support initiatives that serve the needs of low and moderate income tenants affected by condominium and cooperative conversion. Such initiatives should include encouraging use of Community Development Block Grant funds, Federal Housing Funds, or County Funds available through the Redevelopment Housing Authority for special tenant assistance programs, owner mortgage programs and the formation of low equity cooperatives.
3. The County, in an effort to encourage new rental construction, will review its development policies and procedures as specific questions are raised with a view toward reducing the costs of construction.
4. The County will encourage its state and federal representatives to work for laws that provide incentives for construction for new rental housing.

For Developers

1. The developers of conversion condominium and cooperatives will endeavor to develop and submit information to the County about the current tenants and provide information periodically to the tenants about the programs that are available from the County and the developer.
2. Developers will endeavor to provide notice to tenants and the County of an intent to convert to a cooperative to give tenants every opportunity to plan ahead. The same 120 day notice of termination of tenancy required under the Virginia Condominium Act should also be provided in cases of cooperative conversion.
3. Developers will endeavor to provide special programs designed to encourage tenants to remain in the community being converted. Such programs can include long-term leases for the elderly and handicapped, minimizing rehabilitation of a percentage of units at a level more affordable to tenants, reduced unit prices through tenant discounts for qualified tenants and the reservation of certain units for use by low and moderate income families, either through the formulation of a cooperative or some other vehicle for meeting that demand. The County and Redevelopment Housing Authority are available to provide technical assistance about programs. It is recognized that programs of this nature will not always be feasible in every project and must be tailored to reflect the needs of each individual community's demographics.
4. Developers will endeavor to provide assistance for tenants who will be displaced by establishing a vehicle for tenants to apply for assistance in locating comparably priced units, making arrangements for moving and providing special services for those with special problems such as the handicapped and elderly.

5. Section 5 has been superseded by Virginia code and County Ordinance.
6. Developers will endeavor to return security deposits at least one month before the termination of a tenancy in cases where the unit will be renovated before sale to give the tenant use of the funds to place a deposit on another unit, etc. At a minimum, the security deposit will be returned promptly following vacation of a unit by a tenant.
7. Developers will endeavor to obtain the necessary Federal National Mortgage Association or Federal Home Loan Mortgage Corporation or Veterans Administration approval(s) for their projects in order to make the units eligible for Virginia Housing Development Authority low interest rate mortgages and to make them more attractive by insuring the availability of financing for resales.

Fairfax County Code Provisions

ARTICLE 4. Condominium and Cooperative Conversions. 3

3 Formerly, Art. 3. See the footnote to Art. 3.

Section 12-4-1. Relocation assistance.

The declarant of any residential condominium or cooperative converted from multifamily rental use shall reimburse any tenant displaced by the conversion for amounts actually expended to relocate as a result of such dislocation. Reimbursement shall not exceed Five Hundred Dollars (\$500.00), or the amount to which a tenant may be entitled to receive under Code of Virginia, Sections 25-239(b) and 25-247.1, if the real estate comprising the condominium had been condemned by the Virginia Department of Highways and Transportation. In the event the latter amount does not equal Five Hundred Dollars (\$500.00), the latter amount shall control. (11-82-12; 41-88-12.)

Section 12-4-2. Reimbursable expenses.

Reimbursable expenses shall include, but not be limited to, the following: Deposits and connection fees for telephones and utilities; the difference between the amount of security deposit placed, if any, on the unit being converted and the amount of security deposit required on the tenant's new residence; the cost of packing, transporting and unpacking household goods; insurance coverage on goods transported during the move. The tenant shall be reimbursed within ten (10) days of his submission of verification of his actual expenses incurred to the declarant. (11-82-12; 41-88-12.)

Section 12-4-3. Lease extensions.

- (a) Elderly or disabled tenants occupying as their residence, at the time the declarant applies to the Virginia Real Estate Commission for a certificate of registration of the condominium or cooperative, as the case may be, apartments or units in a conversion condominium or cooperative conversion building shall be entitled to a three-year lease or extension of lease on the apartments or units they then occupied, or on other apartments or units of at least equal size and overall quality located within a building which the declarant has submitted or intends to submit to the provisions of the Virginia Condominium Act, Code of Virginia, Section 55-79.39 et seq., or has submitted to the provisions of the Virginia Real Estate Cooperative Act, Code of Virginia, Section 55-423 et seq. Said three-year period shall commence from the date application is made to the Virginia Real Estate Commission for a certificate of registration.
- (b) During the lease extension period, rent shall not exceed the reasonable rent for a comparable apartment or unit in the same market area as the conversion condominium or cooperative conversion building, as the case may be.
- (c) The declarant need not provide leases or extensions of leases on more than twenty percent (20%) of the conversion apartments or units which he has submitted or intends to

submit to the provisions of the Virginia Condominium Act, Code of Virginia, Section 55-79.39 et seq., or has submitted to the provisions of the Virginia Real Estate Cooperative Act, Code of Virginia, Section 55-423 et seq.

(d) The declarant need not provide leases or extensions of leases on any apartment or unit which will in the course of the conversion be substantially altered in the physical layout, restricted exclusively to nonresidential use, or rendered legally uninhabitable because of renovations or rehabilitation which declarant intends in good faith to perform. Provided, however, that elderly or disabled tenants occupying such apartments or units shall be entitled to a lease on a comparable apartment or unit of at least equal size and overall quality, provided such a unit is available, subject to the qualification contained herein and in the preceding paragraphs applicable to all lease extension.

(11-82-12; 41-88-12.)

Section 12-4-4. Administration.

The Department of Housing and Community Development, as the agency designated by the Board of Supervisors of Fairfax County to be the condominium and co-operative conversion liaison, shall be responsible for administering the provisions of Article 4.

(11-82-12; 41-88-12.)

Section 12-4-5. Effective date.

The provisions of Article 4 shall apply to condominium or cooperative conversions for which application is made to the Virginia Real Estate Commission for an initial certificate of registration and/or subsequent registration on or after July 1, 1982.

(11-82-12; 41-88-12.)