FAIRFAX COUNTY
MANUFACTURED HOUSING RELOCATION GUIDELINES

PREPARED BY:

FAIRFAX COUNTY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

PLANNING AND INCLUSIONARY HOUSING DIVISION

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I. Overview, Purpose, Applicability

A. Overview

Fairfax County ("the County") has developed these Manufactured Housing Relocation Guidelines to assist homeowners and renters of manufactured homes whose manufactured housing community ("MHC") is converted to another use. These Guidelines are aligned with Objective 7 of the Comprehensive Plan's Policy Plan - Housing Element regarding the preservation of manufactured housing ("Preservation Policy"). The County's Preservation Policy and these relocation Guidelines for manufactured housing aim to minimize disruption and hardship for homeowners and renters ("Residents") displaced from their communities. Whenever possible, the County will prioritize helping displaced residents find alternative affordable housing within Fairfax County.

Owners of MHCs ("Owners") should endeavor to provide relocation services to displaced Residents and monetary benefits to manufactured housing homeowners. Staff from the Department of Housing and Community Development ("County Staff") are available to assist Owners with the creation and implementation of a Relocation Plan that complies with these Guidelines. Flexibility in the implementation of these Guidelines may be warranted and approved by the Department of Housing and Community Development ("HCD"). When returning Residents to their original housing is not feasible due to redevelopment, the County's policy is to support direct relocation to decent, structurally safe, and affordable replacement housing. This housing should be conveniently located, using consistent and respectful relocation practices that acknowledge the unique situations of residents in MHCs. The Guidelines also aim to promote long-term housing stability and resident well-being.

B. Purpose

These Guidelines offer direction to Owners in assisting MHC Residents facing displacement and are consistent with the County's Preservation Policy for such communities, as outlined in the Comprehensive Plan. Depending on the project and the relocation plan, the Owner may offer temporary or permanent housing options. Owners should work with Residents to determine on-site and off-site relocation, as applicable.

The primary objective of these Guidelines is to ensure that the relocation process is conducted in a fair, transparent, and responsive manner, effectively addressing the needs of displaced households. Inadequate management of these relocations may lead to housing instability and can hinder the County's broader goals related to affordability and the preservation of community integrity.

The County and HCD also follow the One Fairfax Resolution[1].

C. Applicability

If a redevelopment subject to these Guidelines is or later becomes subject to comparable federal or state resident relocation requirements—such as the federal Uniform Relocation Act, Virginia's Manufactured Home Lot Rental Act[2], or Virginia Housing's resident relocation requirements, all as may be amended—then the Owner should (1) promptly notify HCD of such other requirements and (2) comply with both these Guidelines and such other Resident relocation requirements. If it is not possible, due to a particular issue or circumstance, for the Owner to comply with both these Guidelines and another applicable relocation requirement, then the Owner may comply with the requirement of the other relocation program. Nothing is these Guidelines relieves the Owner of any mandatory state or federal requirement.

[1] Fairfax County One Fairfax Resolution, https://www.fairfaxcounty.gov/topics/one-fairfax

[2] Manufactured Home Lot Rental Act, section **§ 55.1-1308.1. Sale of manufactured home park to developer; relocation expenses,** Manufactured Home Lot Rental Act

II. Relocation Plan Development

A. Overview

A Relocation Plan is intended to (1) identify the course of action for relocating existing manufactured housing Residents displaced from a manufactured home or MHC , (2) ensure the retention or relocation of Residents onsite, if feasible, or off-site as an alternative; and (3) specify the form(s) of relocation assistance that may be provided by the Owner that lessen the burdens to residents associated with relocation. Owners should develop the Relocation Plan in consultation with County Staff as outlined below. Relocation Plans should be submitted to the Director of HCD or their designee prior to both the issuance and implementation of any demolition, building, or similar County-issued permits necessary for the work necessitating the Resident displacement.

A Relocation Plan should address the topics listed in Section II.E. of these Guidelines, including setting forth and implementing communication plans with Residents and County Staff to ensure a sound understanding of the process, its impacts, and its benefits. The plan should define the frequency and methods of communication to Residents. All communications with Residents should be in their preferred language to the extent practicable. Thus, the relocation planning efforts should provide for the use of interpreters, and written materials, including the Relocation Plan, should be translated into all resident-preferred languages. Owners are advised to designate a representative to serve as the liaison for communications with Residents and County Staff regarding the relocation process. In general, the Owner should complete the following steps to develop, implement, and complete a Relocation Plan, as further defined in the sections below:

1) Notify County Staff and existing MHC Residents as early as possible in the process;
2) Conduct a survey of Resident needs and preferences;
3) Provide a feasibility assessment of whether units can be moved and complete a Property Profile;
4) Develop a Relocation Plan;
5) Provide Residents with a copy of the Relocation Plan, and all applicable notices, including a Notice to Vacate and Notice of Relocation eligibility and available relocation resources and assistance;
6) Provide relocation assistance in such forms as contributions and services;
7) Provide regular reports to Residents and County Staff about project status, progress, and any project delays. The frequency of the reporting should be based on the project milestones and timeline, but should be no less than prior to and subsequent to major project milestones; and
8) Provide Residents with a Notice to Return and Move-in Assistance, if applicable.

B. Notification of Intent

i. Consultation with County Staff

For any redevelopment that may involve temporary or permanent Resident relocation, Owners should communicate that information to County Staff as early as possible and regularly throughout the land use process. Those communications will serve to determine the best approach for relocating Residents during the redevelopment or demolition process of the project. County Staff will serve as a resource to answer questions and provide feedback on the development of the plan.

ii. Resident Notification; Communication

Owners should communicate with existing Residents as early as possible and throughout the relocation process, in the resident-preferred language. An initial communication with Residents should explain the Owner's intent regarding the property's redevelopment or demolition. Further communication regarding relocation efforts should be in writing and describe, among other things, the Owner's plans for Resident relocation, benefits, and timeline. Owners should then meet with Residents to help them understand the impact of the project and any required relocation. Examples of written communications should be forwarded to County Staff, and copies of all communications should be kept on file and available to the County upon request. The County will provide example notifications and communications for the Owners' use. Communications with Residents should, at a minimum, include the following:

a) Initial notice to Residents of the conversion, redevelopment, or sale of the property;
b) A survey of Resident needs and preferences;
c) A property profile, including a feasibility assessment of whether units can be moved;
d) Relocation Plan;
e) Notice to Vacate for permanent and temporary relocation (at least 180 days ahead of the relocation date), the plan for relocation, and available relocation resources and assistance;
f) Notice of Relocation Assistance in the form of contributions and services;
g) Regular reports to Residents about project status, as defined previously in the Overview section; and
h) As needed, informational meetings with Residents and other stakeholders.

C. Resident Survey and Needs Assessment

The Owner should conduct a personal interview with each displaced Resident, preferably in-person in the Resident's preferred language, and obtain the following information to inform the Property Profile:

1) Number and ages of persons (adults and children) in the household;
2) Manufactured housing ownership status (i.e., homeowner or renter);
3) Reasonable Accommodations[3];
4) Length of time at the property;
5) Total household income[4];
6) Type of Unit, including manufacture date and size;
7) If applicable, the amount and terms of any outstanding debt owed on the property;
8) A copy of the title or ownership documents relating to the manufactured home;
9) Identify a) whether the unit can be moved without substantial damage; and b) whether there are any attached structures (e.g. a porch or awning) or other accessories;
10) Current pad rent, security deposit, utility costs, and other fees;
11) Any benefit payments being received by such household;
12) Relocation housing preferences, such as onsite, offsite, and market affordable unit;
13) School names, locations, and special requests for each school-age child in the household;
14) Location(s) of employment; and
15) Transit or transportation needs.

The Director of HCD, or their designee, may periodically review and modify the information requested as part of the Resident Survey and Needs Assessment to further the goals of these guidelines. County staff will communicate any modifications to components of the assessment to an owner during the initial consultation. It is recommended that the owner hire a third party to conduct the relocation interviews, which will help ensure that Residents provide the most complete information possible. The above information may be used to establish priorities at the property.

[3] Virginia Fair Housing Office on Reasonable Accommodations and Modifications may be found under Suggestions for Housing Providers at https://www.dpor.virginia.gov/fairhousing/

[4] As calculated pursuant to the HUD Part 5 guidelines, "HUD Part 5: Income and Asset Inclusion and Exclusion", the United States Department of Housing and Urban Development, https://www.hudexchange.info/resource/5180/part-5-section-8-income-inclusions-and-exclusions/

D. Property Profile

After meeting with Residents and assessing their needs, the next step is for the Owner to complete a Property Profile. The Property Profile should include, at a minimum, the following:

1) Current number of units, including size, year, and manufacturer;
2) Current number of manufactured housing homeowners and number of manufactured housing renters;
3) A summary of the condition of the manufactured housing units on-site, aggregated from the survey information described under Section II.C. above;
4) Current number of families with school-age children (including schools attending) and senior citizens (aged 62 and above) (including supportive service needs);
5) Ranges of the length of time each Resident has resided at the property—for example, fewer than five years, five to ten years, more than ten years;
6) Predominant languages other than English spoken at the property;
7) Ranges of gross household incomes based on household size, as determined using HUD Part 5;
8) Number of households to be temporarily relocated; and
9) Number of households to be permanently displaced.

E. Relocation Plan Components

Following the development of the Property Profile, the Owner, in consultation with County Staff, should develop a Relocation Plan. The Relocation Plan will include the Property Profile and a letter containing the information described in Section II.B.ii of these Guidelines. HCD will provide an example form of such letter.

The Relocation Plan should also provide details on relocation implementation, including:

1) Name, address, and contact person for the Owner and those persons designated to manage the relocation;
2) Summary/overview of the development project;
3) Anticipated changes to property operations before, during, and after the project;
4) Information on how the Relocation Plan will be implemented, including staffing, eligibility requirements, relocation contributions, relocation services, and alternative housing;
5) Project timetables, including construction start and completion dates, including such dates for any phasing;
6) Scope of work to be done;
7) Move-out procedures;

8) Methods to be used to communicate details of the Relocation Plan to Residents, with translations when necessary; and
9) Resident Assistance Fund (as defined in Section III.E below), if applicable, its amount, and how any contributions paid out from the fund will be prioritized and distributed among Residents.

The Relocation Plan should be acceptable to the Director of HCD or their designee before both the issuance and implementation of any demolition, building, or other similar County-issued permits necessary for the work necessitating the Resident relocation, and communicated to Residents once finalized. The Director of HCD or their designee may periodically review and request modification of the Relocation Plan to further the goals of these Guidelines.

III. Relocation Assistance and Benefits

A. Eligibility for Relocation Assistance

Relocation assistance should be provided to Residents displaced from a manufactured home or MHC who have a rental agreement with the Owner. Subtenants who do not have a lease are not entitled to relocation assistance. Displaced Residents should receive relocation benefits on a per unit-basis as established through these Guidelines[5] and, the priority ranking system should be utilized for returning Residents as defined in the Market Affordable Multifamily Relocation Guidelines[6]. Relocation benefits and services for individuals displaced from recreational vehicles ("RVs") should be evaluated on a case-by-case basis, taking into account the specific circumstances of each situation.

B. Relocation Services

The Owner should provide staff dedicated to supporting Residents who will be relocated. If deemed necessary by the resident demographics, Staff should be multilingual or provide access to language interpretation in order to communicate in the resident-preferred language. It is also recommended that relocation services be made available to Residents during regular business hours and by appointment during the evenings and weekends. Owners should provide the following services for both temporary and permanent relocation:

1) Offer alternative housing choices on-site or off-site, with the option to return to a similar or alternative unit, making every effort to minimize the number of moves a Resident is required to make.
2) Offer available current listings of vacant pad sites of similar size and/or manufactured housing units based on household size within the County and bordering jurisdictions in Virginia , up to a 50-mile radius from the MHC
3) Offer current listings of vacant multifamily units of similar size and affordability within the County and bordering jurisdictions, information and assistance with the application process, and assistance with the application fees;
4) Provide transportation assistance, as needed, for visiting potential replacement units;
5) Provide moving expenses for the manufactured housing unit to a new MHC within a 50-mile radius, including assistance with disassembling, moving, and reassembling of the unit, and utility reconnection fees;

[5]Any manufactured homeowner meeting the requirements stated in the Manufactured Home Lot Rental Act is entitled to the benefits provided under that Act regardless of whether such homeowner qualifies for any additional benefits under these Guidelines.

[6] Market Affordable Multifamily Relocation Guidelines, Relocation Guidelines.pdf, as may be amended from time to time

6) Provide moving assistance (trucks and drivers), packing materials with an option for packing assistance, with special attention to elderly and disabled residents;
7) Demolish manufactured housing units, or portions thereof, that cannot be relocated and remove debris;
8) Provide referrals to homeownership programs;
9) Provide assistance in completing forms such as change of address forms, rental applications, voter registration, school registration, transferring cable, and utility services; and,
10) If applicable, expedite the return of security deposits and any accrued interest within 10 business days from the date the unit is vacated or facilitate the transfer of a security deposit as further described in Section III.D below. In no event should the security deposit be returned to the Resident later than required by applicable law or the existing lease.

C. Relocation Contributions Specific to Homeowners

In addition to the relocation services described in Section III.B above, manufactured housing Homeowners should be given the following forms of relocation assistance, as applicable.

i. Temporary Relocation

If the unit is to return to the site, actual moving services for the unit and contribution, or reimbursement for the transfer of utilities and other expenses incidental to the move with provided documentation

ii. Permanent Relocation

a) The Owner should provide permanent relocation benefits to eligible Homeowners if it is determined that the manufactured home meets any of the following criteria:

   1) Was built prior to 1976;

   2) Cannot be relocated without substantial damage or unreasonable cost;

   or,

   3) Cannot be relocated because there is no available comparable replacement pad site based on pad size within a 50-mile radius.

b) In addition to the one-time relocation payment required in accordance with the Virginia Manufactured Home Lot Rental Act, Homeowners should receive an additional contribution per unit for replacement housing or relocation expenses. This contribution may be equal to the fair market value of the manufactured home, or a minimum amount of $22,000 for multi-section manufactured homes and $13,000 for single-section manufactured homes, whichever amount is greater. The

contribution may be applied to the purchase or rental of another dwelling unit and moving expenses. If relocating the unit is not feasible, the Owner should be responsible for the demolition of the unit and the removal of any debris.

c) A Homeowner is not eligible for additional contributions for replacement housing under the following circumstances:
   1) If the Owner transfers the Homeowner's manufactured home to another MHC;
   2) If the Homeowner vacates the MHC prior to the receipt of the official notice of relocation from the Owner;
   3) If the Homeowner abandons the manufactured home; or
   4) If the Homeowner fails to adhere to the terms of their lease agreement.

D. Disbursement of Contributions

Relocation contributions should be distributed in two installments, except in cases of hardship. Half of the relocation contribution should be paid to the displaced Resident within 14 business days prior to the Resident's move-out date. The second half should be paid on the date the unit is vacated. If a Resident demonstrates the need for a relocation contribution to reduce or avoid a hardship, it is recommended that the Owner consider issuing the moving expense contribution prior to the move, at their reasonable discretion. To facilitate the move to a replacement dwelling or manufactured housing unit, contributions may be made directly to contractors (including movers) or landlords upon written request and consent from the Resident.

The Owner must timely return the Resident's security deposit or at the request of the Resident facilitate the transfer of the security deposit to the landlord of the Resident's relocation housing. If the security deposit for the Resident's relocation housing is greater than the Resident's security deposit with the owner, then the Owner must further provide the amount of the difference to the Resident or the landlord of the Resident's relocation housing. If the Resident's security deposit with the Owner is greater than the security deposit at Resident's relocation housing, and if the Owner elects to transfer funds directly to Resident's relocation housing landlord, then the Owner will transfer only the amount of the new security deposit to the new landlord and will return the difference to the Resident.

E. Relocation Assistance Fund (RAF)

The Owner should establish a RAF to provide two years of relocation assistance to permanently displaced Residents who have a household income of 60% AMI or below. The RAF should be administered according to the following parameters:

i. Income Eligibility

The RAF will be used to provide relocation assistance only to households earning 60 percent of the Area Median Income or less, as of the date of the Resident Survey.

ii. Households with Existing Rental Subsidies Excluded

Residents who participate in any rental subsidy program administered by the Fairfax County Redevelopment and Housing Authority (FCRHA) are excluded from the RAF. Such programs include, but are not limited to, the federal Housing Choice Voucher programs and State Rental Assistance Program.

iii. Relocation Subsidy Calculation

The RAF subsidy is the difference between the Resident's monthly rent, which can be determined by the lower of either the Resident's monthly rent as of the date of the Resident Survey or the rent identified through the Affordability Analysis issued by the County, and the monthly rent at the replacement housing, multiplied by 24. If a Homeowner is receiving the additional contribution described in Section III.C.2.b, the RAF relocation subsidy under this section is the difference between the rent of the current pad site and the rent of the replacement housing cost, multiplied by 24, less such contribution . Notwithstanding the above, the maximum RAF subsidy will be no more than $300 per month. The Owner should provide the RAF subsidy as a one-time payment within 14 business days after Resident move-out. If Residents do not receive the RAF subsidy, they are encouraged to reach out to HCD.

IV. Technical Assistance and Monitoring

A. County Staff Responsibilities

County Staff will be available for technical assistance in developing and implementing Relocation Plans and providing resident services. This may include but is not limited to:

1) Aiding in the development of the Relocation Plan and its acceptance;
2) Answering the Owners' questions about the relocation;
3) Monitoring ongoing relocation; and
4) Providing general advice and guidance to Owners

B. Owner Responsibilities

During the relocation process, the owner should provide monthly reports to County Staff on all resident households that have been temporarily or permanently relocated, in addition to the requirements previously outlined in the document. Such reports on individual projects should be produced throughout the relocation process and continue until the relocation is successfully completed.

V. Definitions

In these Guidelines, the terms below are defined as follows and, such definitions apply equally to the singular and the plural forms of such terms and to all genders:

"Actual Household Size" means the number of persons living full-time in the applicable household.

"Area Median Income" or **"AMI"** means the median income for the Washington, DC Metropolitan Statistical Area, adjusted for Actual Household Size, as published annually by the United States Department of Housing and Urban Development.

"Guidelines" means the Fairfax County Manufactured Housing Relocation Guidelines.

"HUD" means the United States Department of Housing and Urban Development.

"Low Income" means a household whose annual gross income does not exceed sixty percent (60%) of the Area Median Income, adjusted for Actual Household Size.

"Manufactured Home" means a housing unit built in a factory in accordance with HUD standards and transported to a site for occupancy and installed on a permanent or temporary foundation.

"Manufactured Home Pad Site" or **"Pad Site"** means a parcel of land within the boundaries of a manufactured home park provided for the placement of a single manufactured home and the exclusive use of its occupants.

"Manufactured Housing Community" means a residential area where homes are primarily manufactured off-site and then transported to individual lots within the community. These communities, which may also be referred to as mobile home parks, often provide a range of amenities and services, contributing to the county's affordable housing stock.

"Manufactured Housing Homeowner" or "Homeowner" means an individual or household who owns a manufactured home and utilizes it as their primary residence, while leasing the land on which it sits from the owner.

"Manufactured Housing Renter" or "Renter" means an individual or household who leases and occupies both the manufactured home and the pad from the owner.

"Owner" means the manufactured housing community property owner, developer, or applicant for the proposed project and all successors and assigns.

"Permanent Relocation" means a situation when a resident is required to vacate their current unit without the expectation of moving back to the property after the project is completed.

“Recreational Vehicles” means motorhomes, travel trailers, truck campers or self-propelled vehicles with living quarters designed for accommodation.

“Relocation Services” means relocation benefits and/or relocation services for manufactured housing homeowners and renters.

“Resident” means any person who is a manufactured housing homeowner or renter at the time the Relocation Plan is submitted for approval to the Director of HCD or their designee, and who is in compliance with their lease. For purposes of these Guidelines, "Resident" does not include the Owner or members of the Owner's household.

“Relocation Contribution” means compensation payment for manufactured housing homeowners.

“Temporary Relocation” means a situation when a resident is required to vacate their current unit with the expectation of moving back to the property after the project is completed or units become available.