

Minutes of the Fairfax County Tenant-Landlord Commission

October 12, 2023 7:30 p.m.
Government Center Conference Room 232
12000 Government Center Parkway
Fairfax, VA 22035
Chairperson Chamberlain, presiding

Attendance: Commissioners: Chamberlain, Otonde, Reid

Absent: Commissioners: None

Staff: Rebecca L. Makely, Director
Cable and Consumer Services
Susan C. Jones, Consumer Specialist III
Consumer Affairs Branch

Guests: Carson Truong, C Three Inc.
Daniel Archambo-tenant
Grace Gregory-tenant

The meeting was called to order at 7:30 p.m. by Chairperson Chamberlain.

Minutes

A motion was made by Commissioner Reid to approve the September 14, 2023, minutes. The minutes were approved, 3-0-0.

Report of the Director

Director Rebecca Makely notified the Commission that the FY 2023 Annual Tenant-Landlord Commission (TLC) Report was sent to the Board of Supervisors (BOS), the TLC, and published on the Department of Cable and Consumer Services Web site.

Susan Jones, Branch Manager, Consumer Affairs spoke about an influx of tenant-landlord complaints dealing with application fees, maintenance issues, and security deposits refunds.

Old Business

Chairperson Chamberlain asked the Commissioners to review the Advisory Memo. Chairperson Chamberlain thanked the Commissioners for their input and asked staff for any changes. Directly Makely noted several suggestions to update the Advisory Memo.

Chairperson Chamberlain made the motion to approve the Advisory Memo with the following changes:

1. The Tenant-Landlord Commission, name in the Heading.
2. Correct the Tenant-Landlord Commission name in paragraph one.
3. Remove the comma after the word causes in paragraph one.
4. Change Commissioner Chamberlain to Chairperson Chamberlain in paragraph two.

5. Correct Va. Code 55.1-1204 (H) to add the following missing language, including any summons for unlawful detainer, after the word action.
6. Chairperson Chamberlain will sign and date the Advisory Memo.

Commissioner Reid seconded the motion. The motion passed unanimously, 3-0-0.

Commission Matters

Commissioner Reid spoke about reading an article on allowing affordable housing on church properties in North Carolina and that Fairfax County considers church property as institutional and must meet certain requirements to consider providing housing on the property.

Commissioner Otonde spoke about the workforce dwelling complex receiving subsidies from the County, landlord raising of rents due to inflation, and the fact Virginia has no rent control which makes rentals unaffordable for tenants.

A discussion ensued on rental rates increase due to maintenance and labor costs involved in maintaining the property, unit relocation into higher density population, more adult units for retirees, the lack of three-bedroom rental units, and Fairfax County Zoning Ordinance Modernization Project.

Report of the Chairperson

Chairperson Chamberlain was pleased that the Advisory Memo was completed and will bring the TLC awareness to the BOS.

Public Comment

Carson Truong stated he resides in Fairfax County and took the opportunity to attend the TLC meeting to learn more about tenant-landlord protections and thanked the TLC for their efforts.

Grace Gregory spoke about her current tenant-landlord dispute. The landlord gave her a 30-day termination letter even though her current lease does not end until May 2023.

Daniel Archambo stated his lease expired, but the landlord continues to accept rent payment, so he basically is on a month-to-month lease. He also received a 30-day notice to vacate. Landlord is a friend, so it has made it more difficult to understand the situation.

A discussion on the Statement of Tenant Rights and Responsibilities that landlords are required to provide, month-to-month leases, the right of quiet environment free from harassment, constructive evictions, the complaint mediation process and arbitration, and options to file in court.

Director Makely briefly explained the role of Consumer Affairs. Staff will contact Grace and Daniel on Friday, October 13, 2023, and walk them through the complaint process.

A discussion ensued on constructive evictions, Virginia Residential Tenant Landlord Act, service animals vs. emotional support animals and requirements, and volunteering for the TLC.

New Business

1. Legislative Ideas.

Commissioner Otonde acknowledged the lack of rent control in Virginia but would like to see if that could be changed.

Commissioner Reid spoke on the landlords' failure to acknowledge or allow emotional support animals.

A discussion ensued on the history of rent control in other jurisdictions, demographics, requirements for finding a better pathway to home ownership, and service animals vs. emotional support animals.

Chairperson Chamberlain suggested a statewide registration fee. Fairfax County would impose a registration fee on the rental properties owned by landlords and each property would be inspected for compliance. If there was an issue with the property, then the landlord must reside in the state or have a registered agent in Virginia which would provide more teeth in the existing code.

2. Calendar of Events. Chairperson Chamberlain would like video conferencing access at the December 14, 2023, meeting.

On November 9, 2023, Chairperson Chamberlain would like to proceed with proposed amendments to the TLC Composition. This requires a change in Article 2-Tenant Landlord Commission Section 12-2-1 – Created, members; staff; meetings and the TLC Bylaws. TLC will review and redline the proposed amendments requested. Staff will have the County Attorney's office review the proposed amendments. Once the proposed amendments have been reviewed and approved by the Commission the TLC will advertise and hold a public hearing. The TLC will forward their recommendations to the Board of Supervisors who will also advertise and hold a public hearing. The Board will then vote on the approval of the proposed amendments to Chapter 12.

A motion was made by Commissioner Reid to adjourn the meeting. Commissioner Otonde seconded the motion to adjourn. The motion passed unanimously, 3-0-0. The meeting was adjourned at 8:43 p.m.