

Minutes of the Fairfax County Tenant-Landlord Commission

September 14, 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 Attending:

Susan C. Jones, Consumer Specialist III
Consumer Affairs Branch
Melissa Pickham, Consumer Specialist II
Consumer Affairs Branch

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

Minutes

A motion was made by Commissioner Otonde to approve the August 10, 2023, minutes. The minutes were approved, 2-0-0, with Commissioner Reid not present for the vote.

Report of the Director

Susan C. Jones, Branch Manager, Consumer Affairs reported a list from the Boards, Authorities, and Commissioners (BACs) related to tenant-landlord housing concerns was completed. Chairperson Chamberlain asked that this item be included as Old Business for the October 12, 2023, meeting.

Report of the Chairperson

Chairperson Chamberlain had no matters to bring before the Commission.

Old Business

Chairperson Chamberlain inquired about the Draft Advisory Memo to present to the BOS after TLC review. Chairperson Chamberlain asked that this item be included as Old Business for the October 12, 2023, meeting.

Commission Matters

Commissioner Otonde had no matters to bring before the Commission.

Commissioner Reid had no matters to bring before the Commission.

New Business

1. Constructive Evictions. Chairperson Chamberlain spoke about constructive evictions. It is way that a landlord creates an untenable situation for a tenant to vacate the premises under the illusion that it is voluntary. He stated that he has been contacted by several Fairfax County landlords in the last three months about their tenants who they do not like, have reported too many maintenance requests, or have damaged the house and the landlord wants the tenant removed, but wants to continue to rent the property. Chairperson Chamberlain responded to the landlords that they must extend the same renewal options that would be listed for the property. He further explained that the landlords wanted to raise the rent so the tenant would move out and then the landlord would list it at lower rent later. Chairperson Chamberlain stated that process is not legal.

A discussion ensued whether a landlord could issue a non-renewal notice, continued tenancy, at will state, fair housing protections, landlords with five or more rentals vs private landlords, HUD related concerns, protected classes, displacement of tenants by willfully raising the rent with the intention of forcing them out, and automatic renewals.

2. TLC Composition. Chairperson Chamberlain stated he would like to expand the community stakeholders as not to be confined to Fairfax County residents or fitting under the required landlord, tenant, or public members. Chairperson Chamberlain would like to see a person who practices tenant-landlord at Fairfax County Court, manages a multi-family 500-unit complex, or works in maintenance at a 200-unit complex. He would like the law to be more broadly adaptive than narrow to fill the positions. Additionally, someone from the Association of Realtors, who would be willing to co-chair this Commission, or community stakeholders having the ability to appoint members automatically through consent.

A discussion ensued on recruiting George Mason students, a professor who teaches this subject, restrictions and roles of the Commission, combining with other BACS, reshaping to make the Commission more effective, and more attendance in the communities.

Chairperson Chamberlain envisions the following roles:

1. Practices tenant landlord law in Fairfax County but does not have to reside in Fairfax County.
2. Works at or manages a large-scale community property.
3. Affordable Housing BAC interested in cross serving on the Tenant-Landlord Commission.
4. Mutual appointee from Northern Virginia Realtors currently serving on that board.

Chairperson Chamberlain inquired about the date of the first official roadshow meeting. Staff responded December 12, 2023, at the Jim Scott Community Center at 7:30 p.m. Chairperson Chamberlain requested staff send an email the day before the meeting as reminder of the change of venue.

Chairperson Chamberlain would like to review the list of BACs to consider and invite three to four people to the December 12, 2023, meeting.

Chairperson Chamberlain will provide some legislative items for consideration at the October 12, 2023, meeting. Chairperson Chamberlain asked the other Commissioners to bring their ideas to the meeting.

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 adjourned at 8:18 p.m.