

Tenant-Landlord Commission FY 2023 Annual Report



Fairfax County Tenant-Landlord Commission
August 2023

FAIRFAX COUNTY BOARD OF SUPERVISORS



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CHAIRPERSON'S MESSAGE

On behalf of the Landlord-Tenant Commission I would like to thank the Fairfax County Board of Supervisors for trust in our guidance and advice on Landlord-Tenant issues. The rental relationship has shifted drastically as results of Covid, Rising Interest Rates, and Housing Inflation. This report highlights the hard-working efforts of county staff and will share knowledge and recommendations of the Commission on trends within the tenant-landlord relationship. In addition to advising the County Supervisors, this report is available to the public as a helpful tool and reminder of additional services offered for community education and arbitration services.

During FY 2022 Commission members found it hard to continue to meet and engage the public. Primarily the driving force behind this was a lack of quorum and a commission that has since been operating with only 3 members for several months. We are hopeful that the Board of Supervisors will act quickly to fill important vacancies but are looking to the future with recommendations that might help address appointments with unique solutions should they be adopted. The Commission with excellent staff support continued to try its best to work through these changing times. With virtual events, complaint resolutions, and the return of in-person events, the staff continued to spread information with vigor to the community at large.

In 2023 the Commission will continue to support the counties efforts to ensure that all Landlords and Tenants operate within the changing legal framework provided to them and to educate the public as changes occur. We are committed to making sure the Board of Supervisors receives the best guidance possible. I am extremely fortunate to lead the commission and excited for what transformations may come in the future. I always believe in this county, and I know the future is bright for all in Fairfax County.

Robert H. Chamberlain

Chairperson

Tenant-Landlord Commission

TENANT-LANDLORD COMMISSION**Robert H. Chamberlain**

Chairperson
Public Member

Otiya Otonde

Vice Chairperson-Tenant

Kenneth D. Reid

Tenant Member

The Fairfax County Board of Supervisors established the Tenant-Landlord Commission on October 27, 1971, pursuant to Fairfax County Code Section 12-2-1, to provide assistance and information to educate the public on tenant-landlord matters regarding rental dwelling units in Fairfax County.

The Commission is composed of Fairfax County residents appointed by the Board of Supervisors. The Commission was originally composed of nine members; four tenant members, four landlord members, and one member of the community at large. On September 23, 1974, the Board of Supervisors adjusted the membership to include three landlord members, three tenant members, and three citizen members. On April 27, 1981, a condominium member was added. Currently the Commission is composed of 10 members; three landlord members, three tenant members, one condominium member, and three citizen members.

The business of the Commission is guided by the Bylaws adopted by a majority vote of the Commission members and approved by the Board of Supervisors. The mission of the Commission is to give objective and fair assistance to Fairfax County tenants and landlords.

The power and duties of the Commission are:

- Provides information to the public concerning the rights and responsibilities of tenants and landlords.
- Forwards to the Board of Supervisors, as appropriate, recommendations for changes in legislation at all levels of government.
- Represents the County interests concerning tenant-landlord matters before judicial, legislative, administrative, and other public or private bodies upon direction of the Board of Supervisors.
- Advises the Board of Supervisors about the nature, causes and possible solutions to tenant-landlord problems.
- May hold public hearings and report its findings to the Board of Supervisors on tenant-landlord issues that affect the public interest.
- Makes tenants and landlords aware of the conciliation and mediation services available through Fairfax County Consumer Affairs.
- May arbitrate tenant-landlord complaints, upon agreement of the parties, pursuant to the Rules of Procedures adopted by the Commission.
- Reports periodically to the Board of Supervisors on the activities of the Commission.

The Tenant-Landlord Commission held seven meetings during FY 2023.

JULY 2022 – FY 2022 ANNUAL REPORT

Rebecca Makely, Acting Director, Cable and Consumer Services presented an overview of the Annual Report. Acting Director Makely stated Fairfax County Department of Management and Budget has not published the Rental Housing Complex Analysis 2021. She further stated rental unit information was taken from the Fairfax County Needs Assessment 2022. A discussion ensued on the chart in the rental housing section on cost burdened renters. Commission made the decision to remove the chart but keep the reference to the Fairfax County Needs Assessment 2022. Commissioner Geier-Smith made a motion to approve the FY 2022 Annual Report, with edits. Commissioner Otonde seconded the motion. The motion passed unanimously, 4-0-0.

AUGUST 2022 – RESIDENT AGENT DISCUSSION

Chairperson Chamberlain inquired if staff had any insights into the document he provided. Acting Director Makely stated she had a discussion with the Assistant County Attorney on the document and the Code of Virginia, Chapter 12, Virginia Residential Landlord and Tenant Act. It is the opinion of the Assistant County Attorney that a non-resident property owner shall appoint and continuously maintain a resident agent in the Commonwealth and must file with the Secretary of the Commonwealth on an annual basis. It is his opinion there is no regulatory or enforcement role designated to the County for this provision. Absent that, being a Dillion Rule state, the County does not have the authority to intervene under the Code of Virginia, §55.1-1211. Chairperson Chamberlain stated there is a secondary part that non-resident owners must file a R5 tax form. He said law does not have an enforcement mechanism, but this is an opportunity for the legislative agenda for the County to go to Richmond to request the ability to enforce this protection of tenant and landlord rights.

NOVEMBER 2022 – REMOTE PARTICIPATION POLICY, LEGISLATIVE UPDATE, 2023 NOMINATIONS

Acting Director Makely reviewed updates to the Remote Participation Policy. A discussion ensued regarding personal and medical reasons, 60-mile limit from meeting location, percent of meetings attended remotely, and the Chairperson's requirement to maintain the member's written request to participate remotely and the written response for a period of one year. Chairperson Chamberlain made the motion to approve the Remote Participation Policy. Commissioner Geier-Smith seconded the motion. The motion passed 4-0-1. Staff will follow up with the County Attorney's Office on maintaining member's written request to participate remotely.

Melissa Pickham, Consumer Specialist II, Consumer Affairs discussed House Bill 281: Real Property; duty to disclose ownership interest and lis pendens and House Bill 402: Landlords, participation; tax credit. A discussion ensued on tenant-landlord legislation that failed to pass, affordable housing, redevelopment projects in Fairfax County, and ways to reach stakeholders about Consumer Affairs tenant-landlord services.

Commissioner Geier-Smith nominated Commissioner Chamberlain as Chairperson. Commissioner Reid seconded the nomination. The nomination was approved, 2-0-2. Chairperson Chamberlain nominated Commissioner Park to serve as Vice-Chairperson-Landlord. Commissioner Reid seconded the nomination. The nomination was approved, 4-0-0. Chairperson Chamberlain nominated Commissioner Otonde to serve as Vice-Chairperson-Tenant. Commissioner Reid seconded the nomination. The nomination was approved, 3-0-0. Chairperson Chamberlain nominated Commissioner Geier-Smith to serve as Secretary. Commissioner Reid seconded the nomination. The nomination was approved, 3-0-1.

Slate of 2023 Candidates:

Chairperson - Robert Chamberlain

Vice Chairperson-Landlord - Paula Park

Vice Chairperson-Tenant - Perez Otonde

Secretary - Karen Geier-Smith

JANUARY 2023 – 2023 ITEMS OF INTEREST, ELECTION OF OFFICERS

Chairperson Chamberlain spoke about TLC's purpose and suggested a draft letter to the BOS for clarification of their role.

Slate of 2023 Candidates:

Chairperson - Robert Chamberlain

Vice Chairperson-Landlord - Paula Park

Vice Chairperson-Tenant - Perez Otonde

Secretary - Karen Geier-Smith

Commissioner Geier-Smith made the motion to approve the slate of candidates. Commissioner Otonde seconded the motion. The motion passed, 3-0-0.

FEBRUARY 2023 – DRAFT ADVISORY MEMO

Chairperson Chamberlain provided a draft memo to be reviewed by Commission members. Chairperson Chamberlain provided an overview of the situation and reasons for the memo. A discussion ensued on the ability of the Board of Supervisors (BOS) to enforce the issue, the purpose and intent of the memo, actions to be taken, formatting/grammar updates, and payment to escrow through the court system.

Chairperson Chamberlain wants to find ways to assist Consumer Affairs in the educational development and resources to be available to tenants and landlords to include the Statement of Tenants Rights and Responsibilities.

Chairperson Chamberlain wants to suggest for the 2024 Legislative agenda to review whether the TLC would like to ask the General Court Clerk to have a certification that the Statement of Tenants Rights and Responsibilities has been issued.

Commissioner Otonde will submit suggestions to Chairperson Chamberlain. Commissioner Geier-Smith will review the document for suggested changes.

Director Makely suggested at the start of the memo to express how you are coming to the BOS under Chapter 12 of the County Code, duties of the TLC. Director Makely will provide the information to Chairperson Chamberlain.

APRIL 2023 – DRAFT ADVISORY MEMO

Chairperson Chamberlain asked the Commission to review the letter for discussion at the next Commission meeting.

MAY 2023 – DRAFT ADVISORY MEMO

Chairperson Chamberlain asked the Commissioners to email any suggested edits to the letter.

Chairperson Chamberlain will have a final copy of the letter at the next meeting to approve and send to the Board of Supervisors.

Additional information on the Commission, including this annual report, is available on the Commission Web site at <https://www.fairfaxcounty.gov/cableconsumer/csd/tenant-landlord-commission>. The Commission meetings are open to the public with time available for public comment.

TENANT-LANDLORD ARBITRATION

A voluntary and legally binding arbitration process is available for an act or practice of a landlord that constitutes a misrepresentation or fraudulent act or practice under the Virginia Consumer Protection Act. Arbitration provides an efficient and inexpensive alternative to court for resolving tenant-landlord disputes. Hearings are scheduled at the convenience of the tenant and landlord.

In FY 2023, there were no requests for arbitration services.

RENTAL HOUSING MARKET IN FAIRFAX COUNTY

Fairfax County offers a broad variety of housing for rent. Potential renters can choose from single-family homes, townhouses, condominiums, and apartments. According to the August 2023, [Fairfax County Rental Housing Complex Analysis](#), prepared by the Fairfax County Department of Management and Budget, as of January 2022, there were 85,131 rental housing complex apartments, and townhouses in Fairfax County. There were 857 more rental units in January 2022 than in January 2021, representing a one percent increase.

The total inventory of available rental units is greater because this number does not include units leased by individual owners, public housing units, and privately owned subsidized housing complexes.

Average fair market monthly rent in the County for complexes without rent subsidies was \$1,958 in January 2022. This is \$44 higher than reported in January 2021, representing a 2.3 percent increase. The vacancy rate for all rental complexes, those with and without subsidies, was estimated to be 5.2 percent as of January 2022, which is 1.9 percent lower than in 2021.

According to the [Fairfax County Needs Assessment 2022](#), also prepared by the Fairfax County Department of Management and Budget, in 2020, there were 125,225 renter-occupied housing units in Fairfax County, compared to 273,428 owner-occupied housing units. Between 2010 and 2020, the number of owner-occupied units decreased less than one percent (1,020 units) while the number of renter-occupied units increased by 16.7% (over 17,900 units).

The County created the [Eviction Prevention Task Force](#) to coordinate a county-wide approach to providing assistance to vulnerable residents by bringing together County agencies and non-profit partners in a collaborative effort to connect residents to services. The Web site includes data, resources, and information for those dealing with possible eviction in Fairfax County. The [Eviction Prevention Dashboard](#) identifies areas of Fairfax County where residents are most at risk of being evicted from their homes because of economic hardship caused by the effects of the COVID-19 pandemic.

As the County continues to redevelop and grow, Consumer Affairs will continue to provide education and information to residents on the evolving rental housing market in Fairfax County.

TENANT-LANDLORD INQUIRIES

Consumer Affairs responds to inquiries, mediates tenant-landlord complaints, and provides advice and referrals. Inquiries include complaints, advice, and customer walk-ins.

During FY 2023, Consumer Affairs responded to 1,581 inquiries from tenants and landlords. Inquiries were received about laws, lease agreements, security deposits, maintenance and repair, evictions, foreclosure, and other issues impacting rental dwellings.

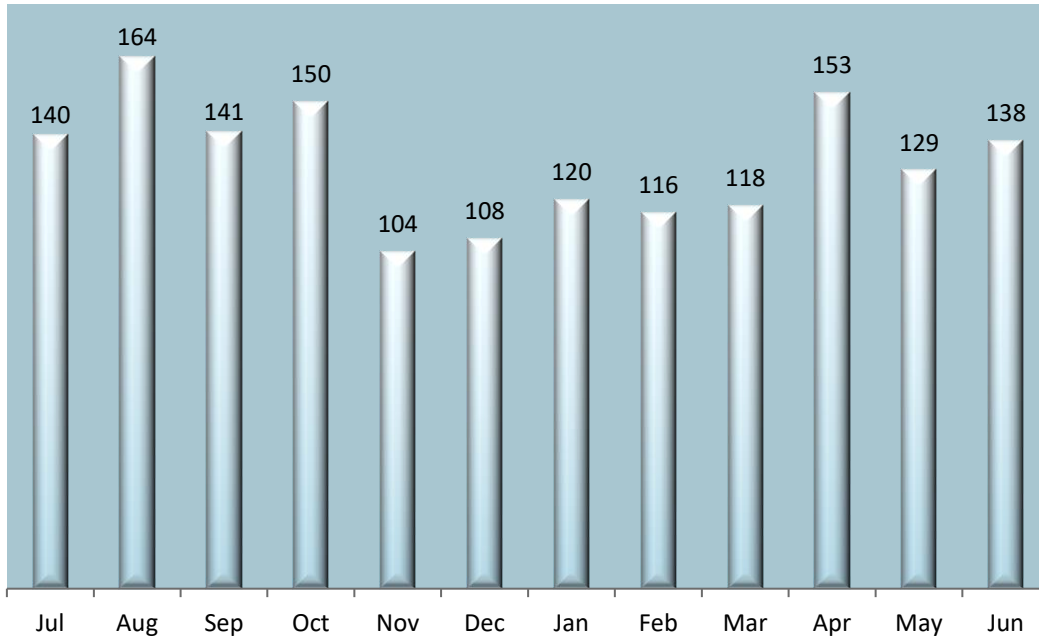


Figure 1 Tenant-Landlord Inquiries for Fiscal Year 2023

CONSUMER COMPLAINTS

A tenant may file a complaint on the County Web site, in-person, or through the U. S. Mail. Once a complaint is filed, a Consumer Specialist provides voluntary mediation with the tenant and landlord to assist both parties in reaching a favorable resolution.

In FY 2023, Consumer Affairs mediated 306 tenant-landlord complaints. Consumer Affairs publishes [case summaries](#) of all closed complaints within the last 12 months on the County Web site. Reviewing complaint summaries offers tenants an overview of Consumer Affairs mediation efforts and can also provide helpful information on rental dwellings in Fairfax County.

Complaint summaries featuring comments from consumers satisfied with the mediation provided by Consumer Affairs are highlighted below:

POWER STRUGGLES

Shannon, the tenant, rented a townhouse from a landlord. On April 25, 2023, the tenant received notice of a move-out inspection on May 1, 2023, and that the electricity would be disconnected on the same day. The tenant alleged the landlord failed to provide the proper 30-day notice to vacate per the lease agreement. The tenant requested the landlord provide proper notice. After Consumer Affairs intervention and mediation, it was confirmed the landlord failed to communicate to the property management company that the tenant’s lease would not be renewed. The landlord subsequently provided the proper notice and the tenant moved out on June 1, 2023. In addition, the property manager made sure the electricity was not disrupted during the month of May.

“THANK YOU AGAIN FOR ALL YOUR ASSISTANCE ON THIS MATTER.” SHANNON

SEWAGE DISASTER

Dereje, the tenant and his family rented an apartment from an apartment complex. The tenant’s apartment flooded with sewage. The tenant alleged that maintenance for the apartment complex failed to make prompt repairs. The tenant requested the repairs be completed so the tenant’s family could move out of the hotel and back into the apartment. After Consumer Affairs intervention and mediation, the apartment complex stated the tenant had to move due to the seriousness of the damage. The apartment complex stated there were no available units. After further Consumer Affairs mediation, the apartment complex found another 2-bedroom apartment for the tenant and his family. In addition, the apartment complex refunded the tenant’s hotel bill in the amount of \$7,905.98, to the tenant’s satisfaction.

“THANK YOU FOR ALL YOUR HARD WORK AND PROFESSIONALISM.” DEREJE

COMMUNITY OUTREACH

Consumer Affairs analyses trends and issues of concern in response to complaints received and mediated by staff. This analysis is used to develop educational information for outreach, publications, and programming.

Consumer Affairs provides outreach presentations throughout the year to housing providers, community groups, civic associations, senior centers, schools, and faith-based and non-profit organizations.

Consumer Affairs conducted 149 outreach events with an attendance of 5,421 in FY 2023. During National Consumer Protection Week, Consumer Affairs Day was celebrated on Thursday, March 9, 2023, with presentations on *Consumer Affairs 101, Tenant and Landlord Rights and Responsibilities, Funeral Planning, and Scams*. The Consumer Affairs brochure, which includes information about services and resources is available in the following languages – Spanish, Vietnamese, Korean, Arabic, and Chinese.

Renting provides an option and choice for many in Fairfax County and Consumer Affairs is committed to creating awareness and knowledge of the services available for the tenant-landlord community. Consumer Affairs ensures both tenants and landlords are aware of their rights and responsibilities through education, information, and mediation.

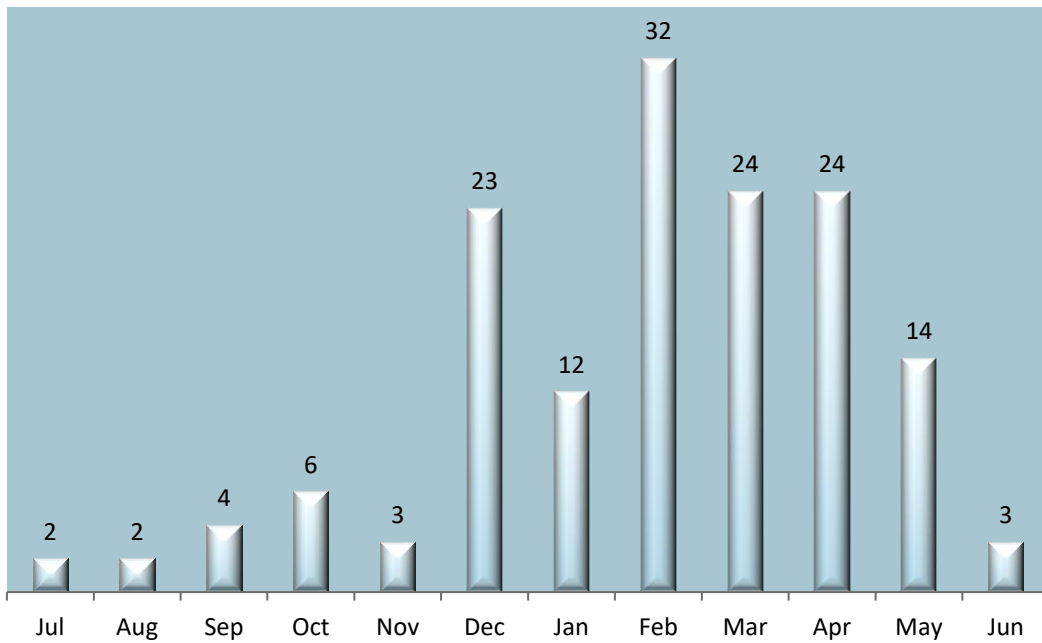


Figure 2 Community Outreach Events for Fiscal Year 2023

Consumer Affairs offers presentations on the following topics:

- Consumer Affairs 101
- Building a Better Credit Report
- Data Breaches
- Door to Door Scams
- Financial Education
- Funeral Planning
- High School 101
- Home Improvement
- How to Block Unwanted Calls
- Identity Theft
- Medical Identity Theft
- Online Shopping
- Scams
- Tenants and Landlords Rights and Responsibilities

Consumer Affairs coordinates with many Fairfax County entities to provide ongoing information and resources across a broad audience in Fairfax County.

GEORGE MASON UNIVERSITY

Consumer Affairs provides tenant information on a virtual housing fair platform. George Mason University encourages college students to understand their rights and responsibilities.

LEGAL SERVICES OF NORTHERN VIRGINIA

Consumer Affairs coordinates and collaborates with Legal Services of Northern Virginia to provide information and guidance to tenants and landlords in Fairfax County. Legal Services of Northern Virginia offers a variety of online self-help resources that provide legal forms and documents for tenants and landlords.

NORTHERN VIRGINIA VIRTUAL HOUSING EXPO

Consumer Affairs and the Commission share information regarding tenant and landlord rights and responsibilities and highlight the services and resources available for tenants and landlords in Fairfax County, as well as resources such as the Virginia Residential Landlord and Tenant Act that apply to tenants and landlords throughout Virginia.

These efforts keep Consumer Affairs, the Commission, and communities connected and invested in maintaining livable neighborhoods.

TENANT-LANDLORD PUBLICATIONS

As residents of the County and in active service in the tenant-landlord community, Commissioners bring knowledge and expertise about rental situations and dwellings. Their collective knowledge is used to develop the following educational publications for the tenant-landlord community.

VIRGINIA STATEMENT OF TENANT RIGHTS AND RESPONSIBILITIES

This document provides summary information on Tenants' Rights and Responsibilities under the Virginia Residential Landlord and Tenant Act and the [Manufactured Home Lot Rental Act](#). This document is also available in Spanish with additional languages coming soon.

RENTING A ROOM IN FAIRFAX COUNTY

For many, renting a room is the first step into the residential rental market. Resources are provided to equip prospective tenants with information to help them select a room that best meets their individual housing needs and lifestyle.

LEASE CHECKLIST

The checklist provides guidance for prospective tenants and landlords and outlines the rights, responsibilities, and obligations involved with a lease agreement.

TENANT RESOURCE SHEET

The resource sheet provides information for tenants on which County agency to contact for assistance with repair or maintenance problems in their rental dwelling. Tenants are encouraged to contact their landlord or property manager first when there is a problem, but if they do not get the help they need, they can contact the appropriate County agency to address their issue.

ENERGY-SAVING TIPS FOR RENTERS

The tips recommend ways to save money by improving energy efficiency. Reducing energy consumption and protecting the environment provide real savings for both renters and landlords.

WHAT TENANTS AND LANDLORDS NEED TO KNOW BROCHURE

The brochure provides answers to frequently asked questions by tenants and landlords regarding laws, lease agreements, security deposits, rent, maintenance and repairs, and eviction. Information about how to contact Consumer Affairs to discuss a dispute or file a complaint is included.

Consumer Affairs publishes this information on social media, the Consumer Services Division Web site at <https://www.fairfaxcounty.gov/cableconsumer/csd/tenant-landlord>, and Fairfax County Government Channel 16 at <https://www.fairfaxcounty.gov/cableconsumer/channel-16/fairfax-county-government-television>.

TENANT-LANDLORD VIDEO PROGRAMMING

Consumer Affairs develops educational programming on a variety of tenant-landlord issues. The programs below are available on Fairfax County Government Channel 16 Video-on-Demand, the County Web site, and Facebook.

CONSUMER CONNECTION

Consumer Affairs hosts a monthly Facebook Live program on consumer topics, including Hiring a Moving Company; Warranties; Emergency Preparedness Month; Cryptocurrency; Shopping Online and Holiday Scams; Gift Cards, Porch Pirates, and Holiday Returns; Tax Scams and How to Protect Yourself; National Consumer Protection Week; Senior Medicare Patrol; Code Compliance; and Disease Carrying Insects Program. The programs can be viewed on the Consumer Affairs Facebook page at

<https://www.facebook.com/fairfaxcountyconsumer>.

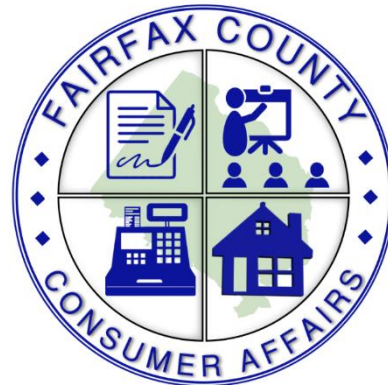
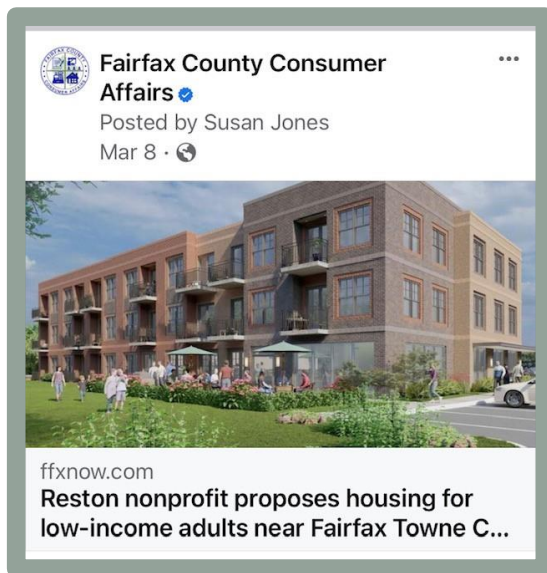
Renter's Insurance PSA 1 and Renter's Insurance PSA 2

The Commission presents public service announcements to encourage tenants to obtain renter's insurance. The announcements highlight the need for tenants to protect their personal property from events such as flood, fire, theft, and accidental injury to others. Information is provided in coordination with a [brochure](#) from the Virginia Bureau of Insurance of the Virginia State Corporation Commission.

Bed Bugs

This program provides an overview on how tenants and landlords can detect and defend against bed bugs. Guidance and information are provided by Consumer Affairs, the Fairfax County Health Department, American Pest Management, and Southern Management Corporation.

Consumer Affairs regularly posts to social media on relevant consumer information including tips, warnings, and resources. Commissioners are also recommended to share consumer information with fellow constituents. Following are several examples advising the public of relevant consumer issues and information:



IN REVIEW

With over 50 years of service to the tenant-landlord community, the Commission remains committed to keeping tenants and landlords informed in response to housing trends, issues, and challenges. The balanced membership of the Commission ensures that all residents of Fairfax County have a voice and that tenants and landlords have a consistent, reliable source for obtaining information to help them understand their rights, responsibilities, and obligations.



Fairfax County Tenant-Landlord Commission

12000 Government Center Parkway, Suite 433
Fairfax, VA 22035

703-222-8435, TTY 711

<https://www.fairfaxcounty.gov/cableconsumer/csd/tenant-landlord-commission>

<https://www.fairfaxcounty.gov/cableconsumer/csd/consumer>

<https://www.facebook.com/fairfaxcountyconsumer>
consumer@fairfaxcounty.gov



To request this information in an alternate format, call the Department of Cable and Consumer Services, 703-222-8435, TTY 711.



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