

Minutes of the Fairfax County Tenant-Landlord Commission

August 12, 2021

7:30 p.m.
Zoom Video Meeting
Chairperson Chamberlain
presiding

Attendance:

Commissioners: Chamberlain, Geier-Smith,
Nair, Otonde, Park

Absent:

Fusaro, Harberg, Islam,

Staff Attending:

Michael S. Liberman, Director
Cable and Consumer Services Division
(Fairfax)
Rebecca L. Makely, Director
Consumer Services Division
(Aldie)
Susan C. Jones, Branch Chief
Consumer Affairs Branch
(Springfield)
Vee Johnson, Consumer Specialist II
Consumer Affairs Branch
(Fairfax Station)

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

Quorum, Location, and Audibility of Members' Voices

Chairperson Chamberlain conducted a Roll Call to verify that a quorum of members was participating; and that each member's voice was clear, audible, and at an appropriate volume for all of the other members; and the location from which member was participating. The roll call was as follows:

Chairperson Chamberlain, Alexandria, VA
Vice-Chairperson Geier-Smith, Fairfax, VA
Commissioner Nair, Fairfax, VA
Commissioner Park, Fairfax, VA
Commissioner Otonde, Centreville, VA

Chairperson Chamberlain passed the virtual gavel to Vice-Chairperson Geier-Smith. A motion was made by Chairperson Chamberlain that each member's voice was adequately heard by each member of the Tenant-Landlord Commission (Commission). This motion was seconded by Vice-Chairperson Geier-Smith. This motion passed unanimously.

Need for an Electronic Meeting

A motion was made by Chairperson Chamberlain that the State of Emergency caused by the COVID-19 pandemic made it unsafe for the Commission to physically assemble and unsafe for the public to physically attend any such meeting, and that as such, FOIA's usual procedures, which require the physical assembly of the Commission and the physical presence of the public, could not be implemented safely or practically. Chairperson Chamberlain further moved that the Commission conduct the meeting electronically through a dedicated video and audio-conferencing line, and that the public access the meeting by calling 888-270-9936 and entering access code 584548. This motion was seconded by Commissioner Park. This motion passed unanimously.

Need to Dispense with FOIA's Usual Procedures to Assure Continuity in Government/Continue Operations

A motion was made by Chairperson Chamberlain that all of the matters addressed on the agenda addressed the Emergency itself, were necessary for continuity in Fairfax County government, and/or were statutorily required or necessary to continue operations and the discharge of the Commission's lawful purposes, duties, and responsibilities. This motion was seconded by Commissioner Park. This motion passed unanimously.

Remote Participation Policy

Chairperson Chamberlain inquired if any Commissioners had any comments or concerns for discussion about the Fairfax County Tenant-Landlord Commission policy for participation in meetings by electronic communication. There were no comments or concerns expressed by Commissioners.

Director Makely clarified that the policy allows for remote participation of publicly appointed members when there is an in-person meeting.

A motion was made by Commissioner Geier-Smith to accept the Remote Participation Policy as written. The motion was seconded by Commissioner Park. This motion passed unanimously. The policy was approved and adopted.

Minutes

A motion was made by Vice-Chairperson Geier-Smith and seconded by Commissioner Park to approve the minutes from May 13, 2021. This motion passed unanimously.

Report of the Chairperson

Chairperson Chamberlain expressed the desire to stay true to the Commission's mission to advise the Board of Supervisors of Tenant-Landlord problems and trends. His vision is for the Tenant-Landlord Commission to be more proactive and involved in the community.

Commission Matters

Chairperson Chamberlain asked Commissioners what issues they would like to discuss.

Commissioner Park did not have any issues.

Vice-Chairperson Geier-Smith discussed increasing delinquency rates for tenants in the region. She shared a chart outlining delinquency rates and the impact of this loss of rental income for rental communities. She discussed the Emergency Rental Assistance program and the need for a balance in order to equitably address the financial needs of tenants and landlords.

Questions and comments from Commissioners were exchanged regarding the increasing number of rental households behind in paying rent.

Chairperson Chamberlain asked Commissioner Otonde and Commissioner Nair to introduce themselves.

Commissioner Perez Otonde expressed gratitude for her appointment to the Commission and stated her desire to become more involved in housing matters that impact the community.

Commissioner Nair expressed interest in getting involved with housing issues and is looking forward to using this opportunity to reach out to the tenant-landlord community.

Report of the Directors

Director Liberman did not have a report.

Director Makely did not have a report.

Staff Report

A case from a tenant concerned that mold in the condominium they were renting might cause health issues was summarized. The tenant alleged the landlord was not addressing the mold issue and requested the lease be terminated early without penalty. After Consumer Affairs intervention, the landlord hired a licensed mold remediation company to conduct tests. According to the landlord, the test reported the air quality to be within an acceptable range, but remediation of an area where there had previously been a water leak was performed. While completing the recommended remediation, the landlord gave the tenant the option to terminate the lease without penalty. By mutual agreement, the lease was terminated, and the tenant moved out as agreed.

There was discussion regarding provisions in the [Virginia Residential Landlord and Tenant Act](#) that relate to disclosure, relocation, reporting, and remediation of mold in a rental dwelling.

Commissioners shared their experiences and knowledge regarding mold in rental dwellings.

Consumer Specialist Johnson attended the bi-weekly meeting of the Eviction Prevention Task Force (Task Force) on August 3, 2021. The Task Force was established to provide resources for

tenants at risk of losing their rental dwelling and information and resources for landlords on how they can seek rent assistance on behalf of tenants. The Task Force is composed of county agencies, the Sheriff's Office, and Legal Services of Northern Virginia. The Task Force is proactive in reaching out to tenants who are in court for eviction. They are expanding outreach efforts to connect vulnerable populations with available resources, such as Emergency Rental Assistance programs through Coordinated Services Planning, as well as making sure landlords are aware of resources available on their [website](#).

Consumer Affairs' staff refers tenants and landlords to services and resources to prevent eviction due to financial hardships created by COVID-19. A Consumer Specialist is available Monday through Friday from 8:00 a.m. until 4:30 p.m. by phone or consumer@fairfaxcounty.gov.

There were questions and comments about the Eviction Prevention Task Force. Director Makely will send a link to the Eviction Prevention Task Force's [dashboard](#), which provides data and analysis of trends in the county.

Old Business

Chairperson Chamberlain inquired if the [Virginia Statement of Tenant Rights and Responsibilities](#) (VSTRR) can be made available in more languages. It is currently available from the Virginia Department of Housing and Community Development in English and Spanish. Chairperson Chamberlain requests it be available in Korean based on his concerns about the county's translation tool.

Staff will contact the Virginia Department of Housing and Community Development about the availability of the VSTRR in Korean and other languages.

New Business

Chairperson Chamberlain discussed the importance of attendance in order to achieve quorum and conduct business as required by the Bylaws.

Director Makely reviewed the Commission Attendance Report.

Chairperson Chamberlain stated his preference that the Commission meet every month and requested the Commission meet on September 9, 2021. He also suggested consideration be given to conducting meetings on weekends or other times to increase the availability of the Commission to the public.

Commissioner Geier-Smith will not be able to attend the September meeting

Director Makely provided a briefing on trespass towing fees. The proposed amendments to towing fees will be considered by the Trespass Towing Advisory Board (TTAB) at a public hearing on August 25, 2021.

A chart of current trespass towing fees was displayed with the proposed new fees. The TTAB recommended the fees be increased to the maximum allowable amounts authorized by VA Code.

There was discussion regarding current towing policies and procedures as it relates to towing, payment, and accessibility after towing.

Chairperson Chamberlain stated the next meeting of the Commission is September 9, 2021, at 7:30 p.m.

Director Makely will send an inquiry to Commissioners to determine their availability for September 9, 2021. A determination will be made regarding whether this meeting will be in-person or virtual based on the changing public health crisis.

Director Liberman reinforced the need for Commissioners to respond promptly to meeting invites to ensure a quorum in order to conduct the Commission's business.

Chairperson Chamberlain will review the Commission meeting schedule for 2021 and 2022 at the September or October meeting so a firm meeting schedule can be confirmed.

Director Makely reported that the Eviction Prevention Task Force will be invited to be a guest on Consumer Connection, which is hosted by Branch Chief Jones in September. This Facebook Live program will assist in providing information to the tenant-landlord community regarding services and resources to prevent eviction due to financial hardships created by COVID-19.

A motion was made by Commissioner Geier-Smith and seconded by Commissioner Otonde to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 8:55 p.m.