

## **Minutes of the Fairfax County Tenant-Landlord Commission**

August 11, 2022

7:30 p.m.

Microsoft Teams Video Meeting  
Chairperson Chamberlain presiding

Attendance:

Commissioners: Chamberlain, Geier-Smith,  
Otonde, Park

Absent:

Commissioners: Islam

Staff Attending:

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

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, Centreville, VA  
Commissioner Geier-Smith, Fairfax, VA  
Commissioner Islam-Absent  
Commissioner Otonde, Fairfax, VA  
Commissioner Park, Fairfax, VA

Chairperson Chamberlain passed the virtual gavel to Commissioner Park. 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 Commissioner Geier-Smith. This motion passed unanimously, 4-0-0.

### **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 571-429-5982 and entering access code 458 759 698#. This motion was seconded by Commissioner Geier-Smith. This motion passed unanimously, 4-0-0.

## **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 Ontonde. This motion passed unanimously, 4-0-0.

## **Minutes**

A motion was made by Commissioner Geier-Smith to approve the July 14, 2022, minutes as written. Commissioner Park seconded the motion. The minutes were approved unanimously, 4-0-0.

## **Report of the Director**

Acting Director Makely had no matters to bring before the Commission

## **Report of the Chairperson**

Chairperson Chamberlain provided Acting Director Makely data from the BrightMLS of closed rentals for the last two quarters each of which showed a 49 percent ratio of addresses rented out where the owners had not updated addresses with the County to reflect absentee status. Chairperson Chamberlain would like to continue the discussion at the next meeting and requested Acting Director Makely provide this information to the Commissioners.

## **Commission Matters**

Commissioner Otonde had no matters to bring before the Commission.

Commissioner Park had no matters to bring before the Commission.

Commissioner Geier-Smith inquired about legislative changes to the Virginia Residential Landlord and Tenant Act (VRLTA). Staff will provide legislative update at the next meeting.

Chairperson Chamberlain was aware of several changes to the VRLTA. Landlords are required to submit with each lease the smoke detector certification form and the Virginia Statement of Tenant's Rights and Responsibilities. Tenants can now contract for repairs when the landlord is nonresponsive.

## **Old Business**

There was no old business before the Commission.

## **New Business**

**1. 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.

Chairperson Chamberlain stated the next TLC meeting is scheduled for September 8, 2022.

Acting Director Makely stated she will provide at the next meeting more administrative policies. Public bodies that meet virtually based on the changes to the Virginia Freedom of Information Act because the County Executive is reviewing when to lift the local Declared State of Emergency. The County Attorney is putting together policies that will allow Board, Authorities, and Commissions to conduct meetings virtually no more than two meetings or 25 percent of the scheduled meetings in a calendar year with no back-to-back virtual meetings. In addition, work is being done on the Remote Participation Policy. Acting Director Makely stated the Commission will review and adopt these changes, at a future meeting.

Commissioner Geier-Smith wants to provide some information on the City of Fairfax rental rates compared to the report provided to the Commission and there is a little bit of an increase. She will provide more information at the next meeting.

Acting Director Makely let the Commission know that the Rental Housing Complex Analysis 2021 Report was provided in the August packet.

A motion was made by Commissioner Geier-Smith and seconded by Commissioners Park and Otonde to adjourn the meeting. The motion passed unanimously, 4-0-0. The meeting adjourned at 7:49 p.m.