

Minutes of the Fairfax County Tenant-Landlord Commission

April 18, 2019

Fairfax County Government Center
12000 Government Center Parkway
Fairfax, Virginia 22035
Conference Room 9/10
Chairman Fielding presiding

Attendance:

Commissioners Fielding, Geier-Smith, Gomez,
Harberg, Park, Purnell

Absent:

Commissioner Kocsis

Staff Attending:

Michael S. Liberman, Director
Cable and Consumer Services Division
Rebecca Makely, Director
Consumer Services Division
Vee Johnson, Consumer Specialist
Consumer Affairs Branch

The meeting was called to order at 7:31p.m. by Chairman Fielding.

Minutes

A motion was made by Commissioner Geier-Smith and seconded by Commissioner Harberg to approve the minutes from February 21, 2019. The motion carried unanimously.

Report of the Chairman

Chairman Fielding provided an update regarding the Herndon Downtown Redevelopment Project. Comstock Herndon Venture LC, received site plan approval from the town's planning staff on April 9, 2019. The Heritage Preservation Review Board will consider the plan in May.

Report of the Directors

Director Liberman discussed public hearings regarding the FY 2020 Advertised Budget. He summarized the actions leading to the adoption of the budget on May 7, 2019.

Director Liberman shared data from the Fairfax County strategic planning process, which included feedback from residents' participation in meetings, focus groups, and completion of an online survey. The Countywide Strategic Plan identified nine priorities for the County that will form the basis of the county's strategic plan. County staff is working to prioritize key strategies and will conduct broad-based community engagement as part of the continuing planning process.

Staff Report

Staff and Chairman Fielding attended the 9th Northern Virginia Housing Expo on March 30, 2019. Information provided by the Tenant-Landlord Commission and Consumer Affairs was distributed.

The Fair Housing Month Training and Luncheon Program was held on April 3, 2019. Chairman Fielding attended. The luncheon speaker was Sara Pratt, Counsel with Relman, Dane & Colfax. She discussed settlements reached in cases involving lending discrimination, redlining, housing accessibility, and rental discrimination and challenges remaining in fair housing and civil rights issues.

New laws impacting tenants and landlords will take effect on July 1, 2019. Two laws were discussed. One law requires landlords to provide tenants with written leases or to follow specific rules, such as a 12-month lease term, a reasonable late fee, and two months' rent limit on security deposits that are set out in the law.

In response to data from the Eviction Lab at Princeton University, which showed Virginia localities with some of the highest rates of evictions in the nation, a Pilot Eviction Diversion Program will be available to tenants in Richmond, Petersburg, Hampton and Danville. The purpose of the program is to reduce the number of evictions of tenants for failure to pay small amounts of money under the rental agreement, reduce displacement of families, and provide a court-ordered payment plan. The program starts July 1, 2020. Data from the Eviction Lab showing 2016 eviction rates in Fairfax County, Arlington, and Woodbridge was distributed to Commissioners.

A case was summarized regarding a complaint filed by a tenant who alleged their landlord did not promptly repair and maintain the heat and appliances in a single-family home. After intervention from Consumer Affairs and the Department of Code Compliance, the tenant and landlord reached a mutual agreement to terminate the lease early without penalty. The tenant vacated and the landlord returned the security deposit.

Commission Matters

Commissioner Purnell discussed affordable housing availability in the County based on her attendance at a housing advisory group. Affordable housing issues in Fairfax County was discussed. Director Makely will provide to the Commission the recommendation of the Affordable Housing Resources Panel recently presented to the Board of Supervisors.

Commissioner Harberg inquired about a landlord's responsibility for crime-related property damage due to car vandalism on the property. Commissioner Geier-Smith discussed disclosures in the lease, which include requirements for insurance to protect both property and liability claims.

Commissioner Geier-Smith shared information about options available to tenants in Maryland to redeem a tenancy for non-payment of rent that is not available in Virginia.

Commissioner Gomez requested his concerns and opinions be heard openly and completely by the Commission.

Old Business

None

New Business

Director Makely provided a draft of proposed changes to the Tenant-Landlord Arbitration Rules of Procedure. She summarized the need for the changes and the conditions in which the

Administrator could appoint an arbitrator not on the Commission to serve on an arbitration panel. The proposed changes were discussed.

A motion to amend the Tenant-Landlord Arbitration Rules of Procedure was made by Commission Gomez and seconded by Commissioner Geier-Smith. The motion passed unanimously.

A motion was made by Commissioner Gomez and seconded by Commissioner Harberg to adjourn the meeting. The meeting was adjourned at 8:44 p.m.