

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

December 9, 2021

7:30 p.m.

Video Meeting

Chairperson Chamberlain  
presiding

Attendance:

Commissioners: Chamberlain, Islam, Nair,  
Park

Absent:

Geier-Smith, Otonde

Staff Attending:

Ellicia Seard-McCormick, Deputy  
County Executive  
Michael S. Liberman, Director  
Cable and Consumer Services Division  
Rebecca L. Makely, Director  
Consumer Services Division  
Susan C. Jones, Branch Chief  
Consumer Affairs Branch

The electronic meeting was called to order at 7:33 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  
Commissioner Islam, Fairfax, VA  
Commissioner Nair, 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 Nair. 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 204081510#. This motion was seconded by Commissioner Park. 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 Nair. This motion passed unanimously, 4-0-0.

### **Minutes**

A motion was made by Chairperson Chamberlain and seconded by Commissioner Nair to approve the minutes from August 12, 2021. This motion passed unanimously with a vote of 4-0-0.

### **Report of the Directors**

Director Liberman introduced Ellicia Seard-McCormick, Deputy County Executive, who outlined the county agencies in her portfolio and her interest in learning more about the Tenant-Landlord Commission.

Director Liberman announced his retirement from Fairfax County in January 2022.

Director Makely outlined the outreach activities conducted by Consumer Affairs. Consumer Affairs resumed in-person outreach in Fairfax County schools this week.

### **Staff Report**

Staff reviewed language added to [§ 55.1-1229](#) of the [Virginia Residential Landlord and Tenant Act](#) that address access, consent, and correction of nonemergency conditions in a dwelling.

In summary, this section clarifies that in the event of a pandemic, such as COVID-19, tenants can provide a written notice requesting the landlord or property manager not conduct routine maintenance if the tenant provides "reasonable justification." However, even if a tenant gives this notice, the landlord has the right to enter the property once every six months to conduct routine maintenance but must give the tenant at least seven days notice. Those who enter a rental dwelling must wear appropriate equipment, such as masks.

This added language offers clear guidance for tenants and landlords during this public health crisis.

## **Report of the Chairperson**

Chairperson Chamberlain expressed well wishes for Director Liberman who will be retiring after 33 years of service to the Fairfax County community in January.

Chairperson Chamberlain discussed the need for the Commission to reach quorum for upcoming meetings in order to conduct the business of the Commission.

Chairperson Chamberlain expressed concern about a landlord who lives outside of Fairfax that does not have a registered agent listed and inquired if there is a need for this to be reviewed on a county level.

## **Commission Matters**

Commissioner Park wished all a happy and safe holiday.

Commissioner Islam is looking forward to planning for 2022.

Commissioner Nair had no matters to bring before the Commission.

## **Old Business**

Susan Jones, Branch Manager, Consumer Affairs will follow up with the Virginia Department of Housing and Community Development (VDHCD) on the requested translations.

## **New Business**

Director Makely provided a summary of the FY 2021 TLC Annual Report, which provides a summary of the activities of the Commission. Questions and comments were discussed among Commissioners. After Commission comments, Chairperson Chamberlain moved that the annual report be accepted as presented. This motion carried 4-0-0.

Staff will distribute the report to the Board of Supervisors, forward copies to the Commission, and post online for the public.

Staff stated that since July 1, 2021, landlords that lease manufactured homes or manufactured home parks governed by the [Manufactured Home Lot Rental Act](#) (MHLRA), are required to provide tenants with a [Statement of Tenant Rights and Responsibilities](#) under [§ 55.1-1303](#) of the Virginia Code. This statement summarizes the [Manufactured Home Lot Rental Act](#). Both the landlord and tenant must sign this form, which is available from the Virginia Department of Housing and Community Development. A landlord cannot file or pursue a lawsuit against a tenant for a lease violation until the landlord has provided the tenant with the statement of tenant rights and responsibilities.

The next meeting date for the Commission is Thursday, January 13, 2022, to be held virtually due to ongoing COVID-19 pandemic.

Pursuant to Article IV of the Bylaws, the following slate of candidates was nominated:

Commissioner Park	Vice-Chairperson-Landlord
Commissioner Nair	Vice-Chairperson-Tenant
Commissioner Geier-Smith	Secretary

A motion was made by Commissioner Chamberlain to accept the slate of candidates as nominated. The slate was unanimously accepted as nominated.

A motion was made by Commissioner Nair and seconded by Commissioner Chamberlain to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 8:41 p.m.