




# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** November 2, 2023

**TO:** Tenant-Landlord Commission

**FROM:** Rebecca L. Makely, Director   
Department of Cable and Consumer Services

**SUBJECT:** Tenant-Landlord Commission Meeting for November 9, 2023

Please find attached the Tenant-Landlord Commission meeting package. The next scheduled meeting is **Thursday, November 9, 2023, 7:30 p.m. in Conference Room 232.**

Please RSVP with your attendance to Susan Jones by COB on Wednesday, November 8, 2023, at [Susan.Jones@fairfaxcounty.gov](mailto:Susan.Jones@fairfaxcounty.gov) or 703-324-5877.

Enclosures

cc: Ellicia Seard-McCormick, Deputy County Executive

Susan C. Jones, Consumer Specialist III  
Department of Cable and Consumer Services



**FAIRFAX COUNTY  
TENANT-LANDLORD COMMISSION  
November 9, 2023 AGENDA**

Call to Order by the Chairperson (7:30 PM)

Minutes

- Approval of the draft October 12, 2023, meeting minutes

Report of the Director

Report of the Chairperson

Commission Matters

Old Business

- TLC Composition Code Change

New Business

- Nomination of Officers

General Interest

- Tenant-Landlord Commission Calendar
- Tenant-Landlord Commission Membership
- Tenant-Landlord Statistics
- Community Outreach
- Consumer Resources

## Minutes of the Fairfax County Tenant-Landlord Commission

October 12, 2023 7:30 p.m.  
Government Center Conference Room 232  
12000 Government Center Parkway  
Fairfax, VA 22035  
Chairperson Chamberlain, presiding

Attendance: Commissioners: Chamberlain, Otonde, Reid

Absent: Commissioners: None

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

Guests: Carson Truong, C Three Inc.  
Daniel Archambo-tenant  
Grace Gregory-tenant

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

### **Minutes**

A motion was made by Commissioner Reid to approve the September 14, 2023, minutes. The minutes were approved, 3-0-0.

### **Report of the Director**

Director Rebecca Makely notified the Commission that the FY 2023 Annual Tenant-Landlord Commission (TLC) Report was sent to the Board of Supervisors (BOS), the TLC, and published on the Department of Cable and Consumer Services Web site.

Susan Jones, Branch Manager, Consumer Affairs spoke about an influx of tenant-landlord complaints dealing with application fees, maintenance issues, and security deposits refunds.

### **Old Business**

Chairperson Chamberlain asked the Commissioners to review the Advisory Memo. Chairperson Chamberlain thanked the Commissioners for their input and asked staff for any changes. Directly Makely noted several suggestions to update the Advisory Memo.

Chairperson Chamberlain made the motion to approve the Advisory Memo with the following changes:

1. The Tenant-Landlord Commission, name in the Heading.
2. Correct the Tenant-Landlord Commission name in paragraph one.
3. Remove the comma after the word causes in paragraph one.
4. Change Commissioner Chamberlain to Chairperson Chamberlain in paragraph two.

5. Correct Va. Code 55.1-1204 (H) to add the following missing language, including any summons for unlawful detainer, after the word action.
6. Chairperson Chamberlain will sign and date the Advisory Memo.

Commissioner Reid seconded the motion. The motion passed unanimously, 3-0-0.

### **Commission Matters**

Commissioner Reid spoke about reading an article on allowing affordable housing on church properties in North Carolina and that Fairfax County considers church property as institutional and must meet certain requirements to consider providing housing on the property.

Commissioner Otonde spoke about the workforce dwelling complex receiving subsidies from the County, landlord raising of rents due to inflation, and the fact Virginia has no rent control which makes rentals unaffordable for tenants.

A discussion ensued on rental rates increase due to maintenance and labor costs involved in maintaining the property, unit relocation into higher density population, more adult units for retirees, the lack of three-bedroom rental units, and Fairfax County Zoning Ordinance Modernization Project.

### **Report of the Chairperson**

Chairperson Chamberlain was pleased that the Advisory Memo was completed and will bring the TLC awareness to the BOS.

### **Public Comment**

Carson Truong stated he resides in Fairfax County and took the opportunity to attend the TLC meeting to learn more about tenant-landlord protections and thanked the TLC for their efforts.

Grace Gregory spoke about her current tenant-landlord dispute. The landlord gave her a 30-day termination letter even though her current lease does not end until May 2023.

Daniel Archambo stated his lease expired, but the landlord continues to accept rent payment, so he basically is on a month-to-month lease. He also received a 30-day notice to vacate. Landlord is a friend, so it has made it more difficult to understand the situation.

A discussion on the Statement of Tenant Rights and Responsibilities that landlords are required to provide, month-to-month leases, the right of quiet environment free from harassment, constructive evictions, the complaint mediation process and arbitration, and options to file in court.

Director Makely briefly explained the role of Consumer Affairs. Staff will contact Grace and Daniel on Friday, October 13, 2023, and walk them through the complaint process.

A discussion ensued on constructive evictions, Virginia Residential Tenant Landlord Act, service animals vs. emotional support animals and requirements, and volunteering for the TLC.

## **New Business**

### **1. Legislative Ideas.**

Commissioner Otonde acknowledged the lack of rent control in Virginia but would like to see if that could be changed.

Commissioner Reid spoke on the landlords' failure to acknowledge or allow emotional support animals.

A discussion ensued on the history of rent control in other jurisdictions, demographics, requirements for finding a better pathway to home ownership, and service animals vs. emotional support animals.

Chairperson Chamberlain suggested a statewide registration fee. Fairfax County would impose a registration fee on the rental properties owned by landlords and each property would be inspected for compliance. If there was an issue with the property, then the landlord must reside in the state or have a registered agent in Virginia which would provide more teeth in the existing code.

**2. Calendar of Events.** Chairperson Chamberlain would like video conferencing access at the December 14, 2023, meeting.

On November 9, 2023, Chairperson Chamberlain would like to proceed with proposed amendments to the TLC Composition. This requires a change in Article 2-Tenant Landlord Commission Section 12-2-1 – Created, members; staff; meetings and the TLC Bylaws. TLC will review and redline the proposed amendments requested. Staff will have the County Attorney's office review the proposed amendments. Once the proposed amendments have been reviewed and approved by the Commission the TLC will advertise and hold a public hearing. The TLC will forward their recommendations to the Board of Supervisors who will also advertise and hold a public hearing. The Board will then vote on the approval of the proposed amendments to Chapter 12.

A motion was made by Commissioner Reid to adjourn the meeting. Commissioner Otonde seconded the motion to adjourn. The motion passed unanimously, 3-0-0. The meeting was adjourned at 8:43 p.m.

# TLC Calendar

**Tenant-Landlord Commission**  
2023 Planning Calendar  
November 9, 2023

- |              |  |
|--------------|--|
| January 12   | <ul style="list-style-type: none"><li>• 2023 Meeting Calendar</li><li>• 2023 Items of Interest</li><li>• Elections of Officers</li></ul>                     |
| February 9   | <ul style="list-style-type: none"><li>• Draft Advisory Memo</li></ul>  |
| March 23     | <ul style="list-style-type: none"><li>• Cancelled</li></ul>  |
| April 13     | <ul style="list-style-type: none"><li>• Draft Advisory Memo</li></ul>  |
| May 11       | <ul style="list-style-type: none"><li>• Draft Advisory Memo</li></ul>  |
| June 8       | <ul style="list-style-type: none"><li>• Cancelled</li></ul>  |
| July 13      | <ul style="list-style-type: none"><li>• Cancelled</li></ul>  |
| August 10    | <ul style="list-style-type: none"><li>• Annual Report</li><li>• Meeting Logistics</li></ul>  |
| September 14 | <ul style="list-style-type: none"><li>• TLC Composition</li><li>• Constructive Evictions</li><li>• Draft Advisory Memo</li></ul>                             |
| October 12   | <ul style="list-style-type: none"><li>• Draft Advisory Memo</li><li>• TLC Composition</li><li>• Constructive Evictions</li><li>• Legislative Ideas</li></ul> |
| November 9   | <ul style="list-style-type: none"><li>• TLC Compostion Code Change</li><li>• Nomination of Officers</li></ul>  |
| December 14  | <ul style="list-style-type: none"><li>•</li></ul>  |

# TLC Membership



# Tenant-Landlord Commission Members

<u>Seat Name</u>	<u>Commissioner's Name</u>	<u>Appointment Date</u>	<u>Expiration Date</u>
Public Member	Robert H. Chamberlain - Chairperson	GROSS 6/23/2020	1/31/2026
Public Member	VACANT		
Public Member	VACANT		
Public Member (Condominium Owner)	VACANT		
Landlord Member	VACANT		
Landlord Member	VACANT		
Landlord Member	VACANT		
Tenant Member	Kenneth D. Reid	HERRITY 12/6/2022	1/31/2024
Tenant Member	Otiya Otonde – Vice Chairperson - Tenant	MCKAY 5/18/2021	1/31/2023
Tenant Member	VACANT		

## Department of Cable and Consumer Services

**Rebecca L. Makely, Director**  
Cable and Consumer Services  
703-324-5947  
[rebecca.makely@fairfaxcounty.gov](mailto:rebecca.makely@fairfaxcounty.gov)

**Susan C. Jones, Manager**  
Consumer Affairs Branch  
703-324-5877  
[susan.jones@fairfaxcounty.gov](mailto:susan.jones@fairfaxcounty.gov)

# TLC Statistics



**CONSUMER AFFAIRS BRANCH**  
**Tenant-Landlord Summary**  
**10/1/2023 Through 10/31/2023**

	<b>Current Month</b>	<b>Fiscal YR to Date</b>
Complaints Resolved	34	120

<b>Complaint Allegations</b>	<b>Current Month</b>	<b>Fiscal YR to Date</b>
Alleged lack of Maintenance/Essential service(s) or Code Violation(s)	15	43
Alleged Failure to Comply with the Lease Agreement	2	7
Alleged Unfair Rental Rules	0	4
Alleged desire to Terminate Lease	4	12
Alleged Unlawful Eviction	0	3
Alleged Security Deposit Dispute	6	24
Failure to Return Rental Application Fee	1	2
Other Landlord-Tenant Problems	1	8
Alleged Improper Charges or Fees	5	12
Alleged Abuse of Entry	0	3
Alleged Failure to Provide Proper Notice	0	2

	<b>Current Month</b>	<b>Fiscal YR to Date</b>
<b>Case Inquiries</b>	150	675

# Community Outreach

## **Outreach Event Calendar November 2023**

<b>DATE</b>	<b>EVENT</b>	<b>LOCATION</b>	<b># of Guests</b>	<b>Event Time</b>	<b>Staff</b>
11/13/2023	<b>Consumer Knowledge</b>	Robinson Secondary School 5035 Sideburn Road Fairfax, VA		8:00 a.m. - 4:00 p.m.	MDP CH
11/14/2023	<b>Consumer Knowledge</b>	Robinson Secondary School 5035 Sideburn Road Fairfax, VA		8:00 a.m. - 4:00 p.m.	MDP CH
11/16/2023	<b>Consumer Knowledge</b>	West Springfield High School 6100 Rolling Road Springfield, VA		8:00 a.m. - 11:00 a.m.	CH
11/16/2023	<b>Consumer Connection Northern Virginia Long Term Care Ombudsman Program</b>	Fairfax County Consumer Affairs Facebook		11:00 a.m. - 11:14 a.m.	SCJ
11/20/2023	<b>Consumer Knowledge</b>	Fairfax High School 3501 Lion Run Fairfax, VA		8:00 a.m. - 4:00 p.m.	MDP
11/21/2023	<b>Consumer Knowledge</b>	Fairfax High School 3501 Lion Run Fairfax, VA		8:00 a.m. - 4:00 p.m.	MPD
11/27/2023	<b>Consumer Knowledge</b>	Falls Church High School 7521 Jaguar Trail Falls Church, VA		8:00 a.m. - 4:00 p.m.	MPD CH
11/28/2023	<b>Consumer Knowledge</b>	Falls Church High School 7521 Jaguar Trail Falls Church, VA		8:00 a.m. - 4:00 p.m.	MDP CH

# Consumer Resources

## **Resource Items**

**Fairfax County Department of Cable and Consumer Services**

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

**Fairfax County Consumer Affairs**

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

**Fairfax County Consumer Affairs Facebook**

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

***Consumer Connection: Purchasing a Used Vehicle***

<https://fb.watch/nJ7gg-Yx2V/>

**Consumer Affairs Day. National Consumer Protection Week (March 9, 2023)**

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/consumer-affairs-day-2023>

## **Information Items**

**Conversion of commercial building to residential OK'd in Tysons ([more](#))**

**Elimination of Vacuum Leaf Collection on Pause in Fairfax County ([more](#))**