




County of Fairfax, Virginia

MEMORANDUM

DATE: November 3, 2022

TO: Tenant-Landlord Commission

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

SUBJECT: Tenant-Landlord Commission Meeting for November 10, 2022

Please find attached the Tenant-Landlord Commission meeting package. The next scheduled meeting is **Thursday, November 10, 2022, 7:30 p.m.** This meeting will be held via a Microsoft Teams video connection due to the COVID-19 pandemic.

To join the meeting:
[Click here to join the meeting](#)

Audio-only participation:
Dial: 571-429-5982
Enter Conference ID: 466 715 728#

Please RSVP with your attendance to Susan Jones by COB on Wednesday, November 9, 2022, at 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 10, 2022 AGENDA**

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

Electronic Meeting Motions

Minutes

- Approval of the draft August 11, 2022, meeting minutes

Report of the Director

Report of the Chairperson

Commission Matters

Old Business

- Resident Agent Discussion

New Business

- Remote Participation Policy
- Legislative Update
- 2023 Nominations (Slate of Candidates)

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

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.

TLC Calendar

Tenant-Landlord Commission
2022 Planning Calendar
November 10, 2022

- | | |
|-------------|---|
| January 13 | <ul style="list-style-type: none">• 2022 Meeting Calendar• 2022 Items of Interest |
| February 10 | <ul style="list-style-type: none">• Elections• 2022 Items of Interest |
| March 10 | <ul style="list-style-type: none">• Cancelled |
| April 14 | <ul style="list-style-type: none">• Cancelled |
| May 12 | <ul style="list-style-type: none">• Cancelled |
| June 16 | <ul style="list-style-type: none">• Cancelled |
| July 14 | <ul style="list-style-type: none">• FY 2022 Annual Report |
| August 11 | <ul style="list-style-type: none">• Resident Agent Discussion |
| September 8 | <ul style="list-style-type: none">• Cancelled |
| October 13 | <ul style="list-style-type: none">• Cancelled |
| November 10 | <ul style="list-style-type: none">• Remote Participation Policy• Legislative Update• 2023 Nominations (Slate of Candidates) |
| December 8 | <ul style="list-style-type: none">• |

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 | 1/31/2023 |
| Public Member | Kenneth Reid | HERRITY 10/23/2022 | 1/31/2023 |
| Public Member | VACANT | | |
| Public Member (Condominium Owner) | VACANT | | |
| Landlord Member | Karen M. Geier-Smith - Secretary | GROSS 6/26/2006 | 12/31/2024 |
| Landlord Member | Paula Park – Vice Chairperson - Landlord | FOUST 2/25/2014 | 1/31/2023 |
| Landlord Member | VACANT | | |
| Tenant Member | VACANT | | |
| Tenant Member | Perez Otonde | MCKAY 5/18/2021 | 1/31/2023 |
| Tenant Member | VACANT | | |

Department of Cable and Consumer Services

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Susan C. Jones, Manager
Consumer Affairs Branch
703-324-5877
susan.jones@fairfaxcounty.gov

TLC Statistics



CONSUMER AFFAIRS BRANCH
TENANT-LANDLORD - Case
Summary
by Complaint Type
August 2022

| | CURRENT MONTH | FISCAL YR TO DATE |
|----------------------------------|--------------------------|------------------------------|
| Case Inquiries | 41 | 77 |
| Complaints Resolved | 32 | 68 |
| 10 Covered by VRLTA | 18 | 38 |
| 20 Not covered by VRLTA | 12 | 28 |
| 30 Trailer Parks | 0 | 0 |
| 60 Landlord Occupied - Room Rent | 2 | 2 |

| | CURRENT MONTH | FISCAL YR TO DATE |
|--|--------------------------|------------------------------|
| Allegation | | |
| 76 Lack of Maintenance/Essential service(s) or Code Violation(s) | 17 | 29 |
| 77 Failure to Comply with Rental Rules | 0 | 0 |
| 78 Unfair Rental Rules | 1 | 3 |
| 79 Desire to Break Lease | 1 | 2 |
| 80 Desire to Terminate Lease | 4 | 6 |
| 81 Noncompliance with VRLTA/Lease Provisions Contrary to VRLTA | 0 | 0 |
| 82 Eviction | 0 | 0 |
| 83 Return Security Deposit and/or Interest | 4 | 8 |
| 84 Improper Deduction from Security Deposit | 4 | 7 |
| 85 Failure to Return Application Fee | 0 | 0 |
| 86 Undisclosed Fees | 0 | 0 |
| 87 Other Landlord-Tenant Problems | 9 | 17 |
| 88 Rental Property in Foreclosure | 0 | 0 |

| | | |
|---|---|---|
| 89 Condo Conversion or substantial rehabilitation | 0 | 0 |
| 90 Improper Utility Charges | 0 | 2 |
| 91 Complaint against Neighbors | 1 | 1 |
| 92 Abuse of Entry | 0 | 1 |
| 93 Failure to Provide Proper Notice | 0 | 1 |



CONSUMER AFFAIRS BRANCH
TENANT-LANDLORD - Resolved
Case Summary
 August 2022

| | CURRENT MONTH | FISCAL YR TO DATE |
|---|--------------------------|------------------------------|
| HOW RESOLVED | 32 | 68 |
| 38O Tenant or landlord initiates legal action. | 4 | 6 |
| 39O Complaint goes to binding arbitration. | - | - |
| 35U Landlord failed to respond to CA contacts. | 1 | 4 |
| 23F Favorable results for tenant through CA intervention. | 10 | 22 |
| 25F Landlord offered partial resolution to tenant. | 8 | 16 |
| 15O Based on information provided, no further action will be taken. | - | - |
| 15I Complaint not justified. | - | - |
| 21F Favorable results obtained by tenant prior to significant CA intervention. | - | - |
| 28F Government agency takes action against landlord. | - | - |
| 32O Tenant submitted "For the Record Only." | - | - |
| 33O Complaint referred to another agency due to lack of jurisdiction. | - | - |
| 26F Landlord corrects practice to comply with VRLTA, non-VRLTA, lease agreement, Virginia Property Maintenance Code, Zoning Ordinance, or other tenant-landlord related code, ordinance, or practice. | - | - |
| 30O Based on information provided, no further action will be taken. | 9 | 20 |
| 31O Tenant failed to respond to CA contacts or failed to provide additional information to support their allegation(s.) | - | - |
| 35I Based on the information provided, complaint cannot be substantiated. | - | - |
| 36U Landlord made no offer to resolve complaint. | - | - |

| | | |
|---|---|---|
| 37U Landlord in foreclosure, bankruptcy, or could not be located. | - | - |
| 34I Tenant withdrew complaint. | - | - |



CONSUMER AFFAIRS BRANCH
TENANT-LANDLORD - Case
Summary
by Complaint Type
September 2022

| | CURRENT MONTH | FISCAL YR TO DATE |
|----------------------------------|--------------------------|------------------------------|
| Case Inquiries | 35 | 112 |
| Complaints Resolved | 23 | 91 |
| 10 Covered by VRLTA | 15 | 53 |
| 20 Not covered by VRLTA | 5 | 33 |
| 30 Trailer Parks | 0 | 0 |
| 60 Landlord Occupied - Room Rent | 3 | 5 |

| | CURRENT MONTH | FISCAL YR TO DATE |
|--|--------------------------|------------------------------|
| Allegation | | |
| 76 Lack of Maintenance/Essential service(s) or Code Violation(s) | 17 | 46 |
| 77 Failure to Comply with Rental Rules | 0 | 0 |
| 78 Unfair Rental Rules | 1 | 4 |
| 79 Desire to Break Lease | 2 | 4 |
| 80 Desire to Terminate Lease | 4 | 10 |
| 81 Noncompliance with VRLTA/Lease Provisions Contrary to VRLTA | 0 | 0 |
| 82 Eviction | 0 | 0 |
| 83 Return Security Deposit and/or Interest | 2 | 10 |
| 84 Improper Deduction from Security Deposit | 5 | 12 |
| 85 Failure to Return Application Fee | 0 | 0 |
| 86 Undisclosed Fees | 0 | 0 |
| 87 Other Landlord-Tenant Problems | 4 | 21 |
| 88 Rental Property in Foreclosure | 0 | 0 |

| | | |
|---|---|---|
| 89 Condo Conversion or substantial rehabilitation | 0 | 0 |
| 90 Improper Utility Charges | 0 | 2 |
| 91 Complaint against Neighbors | 0 | 1 |
| 92 Abuse of Entry | 0 | 1 |
| 93 Failure to Provide Proper Notice | 0 | 1 |



CONSUMER AFFAIRS BRANCH
TENANT-LANDLORD - Resolved
Case Summary
 September 2022

| | CURRENT MONTH | FISCAL YR TO DATE |
|---|--------------------------|------------------------------|
| HOW RESOLVED | 23 | 91 |
| 38O Tenant or landlord initiates legal action. | 2 | 8 |
| 39O Complaint goes to binding arbitration. | - | - |
| 35U Landlord failed to respond to CA contacts. | - | 4 |
| 23F Favorable results for tenant through CA intervention. | 10 | 32 |
| 25F Landlord offered partial resolution to tenant. | 3 | 19 |
| 15O Based on information provided, no further action will be taken. | - | - |
| 15I Complaint not justified. | - | - |
| 21F Favorable results obtained by tenant prior to significant CA intervention. | - | - |
| 28F Government agency takes action against landlord. | - | - |
| 32O Tenant submitted "For the Record Only." | - | - |
| 33O Complaint referred to another agency due to lack of jurisdiction. | - | - |
| 26F Landlord corrects practice to comply with VRLTA, non-VRLTA, lease agreement, Virginia Property Maintenance Code, Zoning Ordinance, or other tenant-landlord related code, ordinance, or practice. | - | - |
| 30O Based on information provided, no further action will be taken. | 8 | 28 |
| 31O Tenant failed to respond to CA contacts or failed to provide additional information to support their allegation(s.) | - | - |
| 35I Based on the information provided, complaint cannot be substantiated. | - | - |
| 36U Landlord made no offer to resolve complaint. | - | - |

| | | |
|---|---|---|
| 37U Landlord in foreclosure, bankruptcy, or could not be located. | - | - |
| 34I Tenant withdrew complaint. | - | - |



CONSUMER AFFAIRS BRANCH
TENANT-LANDLORD - Case
Summary
by Complaint Type
October 2022

| | CURRENT MONTH | FISCAL YR TO DATE |
|----------------------------------|--------------------------|------------------------------|
| Case Inquiries | 27 | 138 |
| Complaints Resolved | 28 | 119 |
| 10 Covered by VRLTA | 19 | 72 |
| 20 Not covered by VRLTA | 7 | 40 |
| 30 Trailer Parks | 0 | 0 |
| 60 Landlord Occupied - Room Rent | 2 | 7 |

| | CURRENT MONTH | FISCAL YR TO DATE |
|--|--------------------------|------------------------------|
| Allegation | | |
| 76 Lack of Maintenance/Essential service(s) or Code Violation(s) | 8 | 54 |
| 77 Failure to Comply with Rental Rules | 0 | 0 |
| 78 Unfair Rental Rules | 1 | 5 |
| 79 Desire to Break Lease | 1 | 5 |
| 80 Desire to Terminate Lease | 0 | 10 |
| 81 Noncompliance with VRLTA/Lease Provisions Contrary to VRLTA | 0 | 0 |
| 82 Eviction | 1 | 1 |
| 83 Return Security Deposit and/or Interest | 4 | 14 |
| 84 Improper Deduction from Security Deposit | 2 | 13 |
| 85 Failure to Return Application Fee | 0 | 0 |
| 86 Undisclosed Fees | 2 | 2 |
| 87 Other Landlord-Tenant Problems | 7 | 28 |
| 88 Rental Property in Foreclosure | 0 | 0 |

| | | |
|---|---|---|
| 89 Condo Conversion or substantial rehabilitation | 0 | 0 |
| 90 Improper Utility Charges | 0 | 2 |
| 91 Complaint against Neighbors | 0 | 1 |
| 92 Abuse of Entry | 0 | 1 |
| 93 Failure to Provide Proper Notice | 1 | 2 |



CONSUMER AFFAIRS BRANCH TENANT-LANDLORD - Resolved Case Summary October 2022

| | CURRENT MONTH | FISCAL YR TO DATE |
|---|------------------|----------------------|
| HOW RESOLVED | 28 | 119 |
| 38O Tenant or landlord initiates legal action. | 0 | 8 |
| 39O Complaint goes to binding arbitration. | - | - |
| 35U Landlord failed to respond to CA contacts. | - | 4 |
| 23F Favorable results for tenant through CA intervention. | 11 | 43 |
| 25F Landlord offered partial resolution to tenant. | 2 | 21 |
| 15O Based on information provided, no further action will be taken. | - | - |
| 15I Complaint not justified. | - | - |
| 21F Favorable results obtained by tenant prior to significant CA intervention. | - | - |
| 28F Government agency takes action against landlord. | - | - |
| 32O Tenant submitted "For the Record Only." | - | - |
| 33O Complaint referred to another agency due to lack of jurisdiction. | - | - |
| 26F Landlord corrects practice to comply with VRLTA, non-VRLTA, lease agreement, Virginia Property Maintenance Code, Zoning Ordinance, or other tenant-landlord related code, ordinance, or practice. | - | - |
| 30O Based on information provided, no further action will be taken. | 14 | 42 |
| 31O Tenant failed to respond to CA contacts or failed to provide additional information to support their allegation(s.) | - | - |
| 35I Based on the information provided, complaint cannot be substantiated. | - | - |
| 36U Landlord made no offer to resolve complaint. | - | - |

| | | |
|---|---|---|
| 37U Landlord in foreclosure, bankruptcy, or could not be located. | - | - |
| 34I Tenant withdrew complaint. | 1 | 1 |

Community Outreach

Outreach Event Calendar November 2022

| DATE | EVENT | LOCATION | # of Guests | Event Time | Staff |
|-------------|--|--|--------------------|-------------------------|-----------------------|
| 11/2/2022 | Senior Safety Summit Consumer Booth | Hollin Hall Senior Center 1500 Shenandoah Road Adlexandria, VA | | 9:00 a.m. - 12:00 p.m. | SCJ |
| 11/2/2022 | Online Shopping Safety (Virtual) | Department of Emergency Management and Safety 4890 Alliance Drive Fairfax, VA | | 7:00 p.m. - 8:00 p.m. | SCJ |
| 11/21/2022 | Consumer Knowledge | Annandale High School 4700 Medford Drive Annandale, VA | | 8:00 a.m. - 4:00 p.m. | MPD LY AB |
| 11/22/2022 | Consumer Knowledge | Annandale High School 4700 Medford Drive Annandale, VA | | 8:00 a.m. - 4:00 p.m. | MDP LY SW CH |
| 11/29/2022 | Consumer Connection | 12000 Government Center Parkway Fairfax, VA | | 11:00 a.m. - 11:20 a.m. | SCJ |

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/>

Fairfax County Coronavirus (COVID-19) Updates

[Fairfaxcounty.gov/covid19/](https://www.fairfaxcounty.gov/covid19/)

Ways to Stay Informed About Coronavirus (COVID-19)

<https://fairfaxcountyemergency.wpcomstaging.com/>

Ways to Donate and Help During COVID-19

<https://fairfaxcountyemergency.wpcomstaging.com/2020/03/25/ways-to-donate-and-help-during-covid-19/>

What to Know About Tenant-Landlord Rights During COVID-19

<https://fairfaxcountyemergency.wpcomstaging.com/2020/11/17/what-to-know-about-tenant-landlord-rights-during-covid-19/>

DCCS Operating Status

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

Consumer Connection: Cryptocurrency (October 18, 2022)

<https://fb.watch/gwOZnwGQjl/>

Information Items

County fills \$3 million funding gap for affordable housing at Arrowbrook ([More](#))

At This Alexandria Community, The Challenges Of Mobile Home Ownership Are Thrown Into Sharp Relief ([More](#))

Fairfax Co. approves \$3 million for affordable housing at Arrowbrook ([More](#))

County fills \$3 million funding gap for affordable housing at Arrowbrook

Fatimah Waseem October 12, 2022 ffxnow.com

The **Arrowbrook** development near the Innovation Center Metro Station got a funding lift yesterday (Tuesday) afternoon.

The 274-unit project, an affordable housing development under the federal **Low Income Housing Tax Credit** program, received \$3 million in funding after the Fairfax County Board of Supervisors **voted to approve** the issuance of bonds.

The move fills a \$3 million funding gap that the county says was created by “supply change shortages resulting from COVID,” according to **county documents**.

Springfield District Supervisor Pat Herrity voted against the proposal.

Located at the future Arrowbrook Centre Drive and Centreville Road in Herndon, Arrowbrook is being developed by SCG Development Partners.

The project is already **under construction** and is more than 70% complete.

Board of Supervisors Chairman Jeff McKay touted the county’s efforts to reach its affordable housing goals.

“The work to ensure every resident of Fairfax County can live and work here is a nonstop focus of the Board. Earlier this year we doubled the County’s goal to 10,000 net affordable units by 2034, and we have 4,000 units either completed or in the pipeline. We are proud of the work we have done and continue to do with our partners, both non- and for-profit, throughout the region,” McKay wrote in a newsletter following the meeting.

At This Alexandria Community, The Challenges Of Mobile Home Ownership Are Thrown Into Sharp Relief

Eliza Tebo Oct 12 dcist.com

When Amilcar Benitez bought a mobile home at Harmony Place in Alexandria, it needed a lot of work. The flooring, insulation and plumbing in the two-bedroom home he shares with his wife and two children were damaged, prompting Benitez to invest late-night hours — and money — into home improvements. Since making the purchase in 2015, he's put about as much cash into the property as he did to buy it, some \$24,000.

“We're doing it little by little. Now it's better for my kids,” says Benitez, a construction field engineer.

His home, as well as his neighborhood, has gone through immense transition in the past year. Last fall, the owners of the mobile home park along Richmond Highway (Route 1) in Fairfax County were looking to sell and pursued an offer from a real-estate investment company. Benitez and other Harmony Place residents quickly worked with the county and an Alexandria-based community organizer to create a counterproposal. If accepted, a local nonprofit would own and manage the park, backed by county financing — a model the county now regards as a template for future ownership proposals. But in December, the park owners closed on the deal with the investor, Six Rock Properties, for \$1.5 million less than the proposal arranged by tenants.

“I personally tell him, ‘Look, you're trying to take our opportunity,’” Benitez recalls. “You have a lot of money. And this is a low-income community.”

Nearly a year later, residents of Harmony Place are contending with challenges that are all-too-familiar to mobile home owners across the D.C. region and the country. While manufactured homes offer an affordable path to home ownership, they also present an abundance of challenges. Parks are often in need of considerable repairs and residents don't own the land on

which their house rests, which leaves them vulnerable to the decisions of landlords — increasingly private investors — who may prioritize profit over the well-being of the community.

Manufactured homes constitute the largest unsubsidized affordable housing stock in the country, with some 22 million Americans, or 7% of households, living in homes that were built in factories. More than 350,000 Virginians live in communities of mobile homes, generally synonymous with manufactured homes, and Fairfax County is home to roughly 1,750 units. Prefabricated homes cost significantly less than on-site builds, and offer more square footage than many apartments. But ownership comes with significant trade-offs, chief among them the uncertainty of just how long residents can afford to stay.

The future for residents of Harmony Place is precarious. Tenants say much-needed repairs aren't happening quickly enough. The rent, currently \$900 per month, is expected to rise next year. And a major transportation project getting underway in the next few years could wipe out some homes and raise land values, making redevelopment of the park more enticing to developers.

The community at Harmony Place

Of the eight mobile home communities in Fairfax County, six of which are along Route 1, Harmony Place tied with a nearby park for the lowest healthy place index in a 2020 county report. The index grades a neighborhood's overall well-being, including its "performance" with housing, education, healthcare, air quality, and other factors. The park's score was 47.8 on a 100-point scale.

Tucked into an industrial area where Mount Vernon meets Hybla Valley, Harmony Place was built on a flood plain. Before it changed hands last year, Benitez says the park was ravaged by a host of ills over time, from flooding and potholes, to sewer issues, to electrical hazards.

Many residents have lived at the park for years, with nearly a third calling it home for more than a decade, according to a 2021 county-commissioned survey. The community of 84 households is overwhelmingly Latinx, and 88% of surveyed residents speak Spanish as their primary language. The

majority of residents are housing cost-burdened (spending more than 30% of their income on housing). Even before the pandemic, most said housing costs made it difficult to pay for necessities such as phone bills, medical expenses, and food.

Since the 1960s, two families have co-owned Harmony Place, says former owner Michael Wren. Last year, the three co-owners — who bought the business from their fathers in 2000 — were looking to sell; the longtime property manager, TAB Management Inc., had reported difficulty collecting rent during COVID.

“He said if we’d thought about selling it, it might be a good time,” Wren says.

In the 2021 survey, conducted by the Northern Virginia Affordable Housing Alliance, more than half of participating residents said prior park ownership had raised rents in 2020 and 2021. The average rent increase at the time was \$36.53 per month, or about 4%. Wren says TAB was working with residents to help them get financial assistance

The park is also challenged by the expansion of Richmond Highway set to begin construction in 2026, which would potentially eliminate several homes on the property to make way for a bus rapid transit line. Between rent collection and the forthcoming transportation project, Wren and his business partners decided to put the property on the market. They reached back out to a real-estate investment company that had expressed interest in the park: Six Rock Properties, and got an offer for \$8,000,000 in August.

Tenants and Workers United — a community organizer focusing on affordable housing, immigrant rights and other social justice issues — had been working with residents through the pandemic to assess and help meet their needs, including connecting them with COVID testing, vaccines, and food assistance. When residents learned Harmony Place was for sale, TWU switched gears and started looking for ways to help the residents make a counteroffer.

“The community wanted to own their land, wanted to create a co-op,” says TWU executive director Evelin Urrutia.

TWU helped create co-op housing for largely low-income Alexandria residents three decades ago, the Arlandria-Chirilagua Housing Cooperative. But the process, which includes establishing a board and bylaws, would have been more time-consuming for Harmony Place than the 60 days they had to make a counteroffer, Urrutia says. So they developed an alternative: Dumfries-based Catholics for Housing would own and operate the park, and the county would handle the financing. The nonprofit has owned and managed East End Mobile Home Park in Manassas since 2018, buying it after it sustained a raw sewage leak for several years.

In Virginia, a 2020 law provides that if a park owner receives an offer to buy the property, the owner must notify both the residents and the state Department of Housing and Community Development at least 60 days prior to the closing date. It also stipulates that the owner consider any counterproposal made within that timeframe by an entity that is supported by at least 25% of residents. (Though similar to D.C.'s more robust Tenant Opportunity to Purchase Act, the Virginia legislation does not give tenants the right of first refusal.) Harmony Place residents alleged that they had received delayed notice of the offer in 2021; with the help of Legal Services of Northern Virginia, who took their case to Fairfax County Circuit Court, the residents were awarded additional time to make a counteroffer.

Late last year, Harmony Place ownership considered both proposals — one from Catholics For Housing and the other from Six Rock, to whom they ultimately sold the property. Wren and his partners had concerns about moving forward with the nonprofit bid, Wren says, including possible tax changes in 2022 and the time it might take to secure funding from the county.

“I was kind of under the gun to get something done in 2021,” Wren says. They closed on the deal with Six Rock in late December, selling for \$7,000,000 after negotiating with the investment company. The county was willing to provide up to \$8,500,000 for the nonprofit’s proposal.

New ownership

Six Rock Properties, founded in 2014, owns 16 mobile home parks across North Carolina, South Carolina and now Virginia; Harmony Place is its first property in the commonwealth. Its founder and CEO, Chris Ebert, has a

background in corporate finance and investment banking. He says he is drawn to the “supply/demand dynamics” of manufactured home communities.

“It’s an imbalance; the demand is just so much higher than the supply, and just from an investment standpoint it just provides more stability,” Ebert says, adding that he’d like each of his communities “to be the best park possible” by investing in its maintenance and upgrades.

Since early 2022, Six Rock has made improvements to the park, including repaving its streets and installing a new plumbing system. Benitez, 35, says he’s pleased with the freshly paved streets but wants to see additional repairs and improvements: the plumbing work destroyed many driveways and patio areas in the neighborhood that still need to be fixed, power lines are hanging dangerously close to homes and could be hazardous during storms, and he’d like to see a playground built for the kids who routinely play in the street. He says Ebert has held at least one virtual community meeting in 2022, but has yet to meet with residents in person this year.

We tell him, ‘Look, we need a meeting with you, but you have to come to the community. It’s your community; you have to come and see how it is now,’” Benitez says.

David Perez Teofani, who lives across the street from Benitez, has lived at Harmony Place with his wife and two young children for two years. The 33-year-old worked at a D.C. restaurant until the pandemic hit, and was out of work for about two years before finding work in construction. Teofani recently paid off his trailer and says he does his best to take care of his home but would like to see better maintenance at the park. The brick patio he laid outside his home, for example, was destroyed by the plumbing repairs several months ago and has yet to be fixed, he says.

“I understand they are new owners, but we are people,” says Perez, who notes that many children and older adults live in the community. “It’s a very bad situation.”

Ebert says the plumbing work is not yet complete because overhauling a whole network of water and sewer lines takes time. He also says he will be

visiting the park this fall to meet with residents, and will observe the power lines and determine whether any problems should be addressed by the utility company. Building a play area is also a possibility, depending on space, Ebert says.

Some residents are pleased with Harmony Place. Oscar Orlando Rojas has lived there for about 10 years and shares his mobile home with a roommate. “I’m very happy,” he says. For Rojas, the rent increases commonly associated with capital improvements are not a big concern; he says he recognizes that the cost of “everything” has gone up amid pandemic-era inflation.

But rent increases, and the ability to remain part of the community, are a big concern for many Harmony Place residents. Fear of displacement ranked among the tenants’ top concerns in the [2021 survey](#), which was administered before residents knew about the Six Rock offer.

Owning their homes, but renting the land

The vast majority of Harmony Place residents own their homes. But like many mobile home park residents, they have to rent the land under it. When park tenants get priced out due to surrounding development or rent increases, it’s not easy to move their homes, and there are few vacancies elsewhere.

“Many of these mobile homes are very old; they are difficult to maintain,” says Northern Virginia Affordable Housing Alliance executive director Michelle Krocker. “If a mobile home park is purchased, it’s not like you can drive your mobile home down the road to another mobile home [park] because mobile homes in general are under threat.”

One of those threats, Krocker says, is the transformation of Route 1. In 2018, the Fairfax County Board of Supervisors approved Embark Richmond Highway, a plan that includes widening the thoroughfare, creating a bus rapid transit line and a 3-mile extension of Metro’s Yellow Line from Huntington to Hybla Valley. County officials in 2018 said the transportation projects, and surrounding redevelopment, could nearly quadruple the area’s population.

“All of that improved transit and increased density raises surrounding land values. ... With the six mobile home communities located along the Route 1 corridor, that provides an incentive for owners to sell the property because their value has now increased,” Krockner says. “They’ve invested thousands of dollars in their mobile home, but if the community is sold, they have no place to go and they have no place to take their mobile home.”

A related challenge to the viability of long-term mobile home ownership is the recent trend of corporate investment, such as Six Rock’s offer. For most of their history, manufactured home communities have been mom-and-pop operations, including Harmony Place’s prior owner. But corporate interest has been on the rise. In the past eight years, roughly one-fifth of mobile home parks have been purchased by institutional investors.

“At the same time as we have that retiring group of mom-and-pop owners, we have this gold rush of investors seeking to gobble up parks,” Esther Sullivan, an associate professor of sociology and the author of *Manufactured Insecurity: Mobile Home Parks and Americans’ Tenuous Right to Place*, said on a recent episode of *IA*. “We should be clear; it’s not only private equity. ... There’s a range of corporate money that’s seeking to own and operate these parks. Why? Because of the profit margins.”

Mobile home parks are an increasingly attractive asset class for investors. Park owners have minimal responsibilities in terms of upkeep and amenities, and the ongoing shortage of affordable housing — made worse by the pandemic-era housing market and current interest rates — ensures a steady stream of tenants. Because of this demand, many corporate investors have the leverage to raise rent substantially.

Fairfax County Supervisor Rodney Lusk (D-Franconia District), who worked with Harmony Place residents as they prepared their proposal with Catholics for Housing, says the issue with corporate investment is that those entities are usually “focused on one thing — and that is extracting additional value.”

“I hate to say it; it’s been successful in a lot of places,” Lusk says. “There’s a lot of pretty reputable private equity firms that buy these parks and try to reposition them. So that’s our fear, right?”

Ebert says he has agreed with Lusk not to raise rents through his first year of ownership. However, he does anticipate some rent increase in 2023. “My initial inclination is to do a 5% increase, but ... we haven’t put out notices or anything like that,” Ebert says. “I don’t want to make promises, but it shouldn’t be more than 5%.”

That’s less than apartment rent increases in Northern Virginia, which experienced a 13% average increase in the first quarter of this year. But any increase can be hard to bear for low-income families.

“Landlords are free to adjust their rent to inflation, not necessarily to increases or decreases in wages,” says Walewska M. Watkins, an eviction prevention attorney with Legal Services of Northern Virginia who served on the legal team for Harmony Place tenants last year. “That’s always a concern for the low-income clients that I see ... it’s just not keeping up; what they make is not keeping up with what’s required of them.”

A model proposal that could help other parks

In September, the Fairfax County Manufactured Housing Task Force created in 2021 presented its recommendations to the county’s Board of Supervisors. The Harmony Place proposal was cited as a “template” for future challenges to new ownership.

”The purchasing model used for Harmony Place could be used in future situations where a property is for sale and the residents would like to organize and make an offer to purchase. The county encourages nonprofit organizations to engage and collaborate with residents of manufactured home communities,” the report reads.

Nonprofit ownership of parks could help keep rent down, Lusk says, because “they’re less likely to be motivated by profits” and more motivated to improve living conditions for residents.

“We have to figure out a way to encourage some level of home ownership for these individuals. And the question is, ‘How do you do that?’” Lusk says. “The first step would be trying to figure out how you get a not-for-profit to come in and reposition the asset and then to think about how then could that

not-for-profit help the residents become the owners of their own units and their own land.” One way the county has been trying to accomplish the latter, Lusk says, is running a new job-training program located near the park that can help lift incomes.

Another model for assisting mobile-park residents is county ownership. Fairfax County purchased a mobile home park four decades ago, part of which is now being redeveloped as North Hill. The county purchased the site, about 2 miles north of Harmony Place, with “the intent to bring high-quality, affordable homes to the area.” After creating one manufactured home community on the land, the remaining 33 acres were in planning stages until 2020, when construction broke ground on North Hill. The mixed-income development, financed through a public-private partnership, will sport 279 affordable units, as well as market-rate townhomes.

Resident co-ops are also gaining steam as a solution when a park is in limbo. ROC USA and its partners have helped nearly 300 communities across the country achieve cooperative resident ownership since 2008.

TWU is working with at least two area mobile home parks who have offers on the table, and coordinating with local nonprofits on possible counterproposals. For Harmony Place, Urrutia says the best-case scenario for the families is to get “an investment from the county.”

“We need to create a healthy condition for the families and [try] to keep being organized and push back,” she says. “People can be evicted in many ways, right? One is you decide to sell your home and move on because you’re tired of the situation. Two is that you definitely cannot keep paying your rent and you have to move on. ... If the rents continue going up and we don’t have [support] or the owner doesn’t give back to the community, then he will end up with an empty lot that it will be easy for him to demolish and create whatever he wants to create.”

When asked whether Ebert has any plans to sell or redevelop the park in the coming years, he said Six Rock Properties is built to “own and operate parks — that’s what we do.”

“It’s like a virtuous cycle,” Ebert says. “You want people to actually want to live there. And so you provide a nice, clean, safe place and do your part, and hopefully they pay rent and then everybody’s happy.”

Though Amilcar Benitez has called Harmony Place home for nine years and lived in two of its mobile homes, he hopes to move out sometime in the near future. His children, 6 and 11, are getting older, and he says he’ll need a third bedroom soon.

He has stuck around to see how Harmony Place progressed under new ownership and says he’d like to wait until economic conditions are more conducive to moving out. But in a couple of years, Benitez says he may be ready.

“We’re still thinking about [whether] we can buy a house,” he says. “That is our goal, and we’ll see.”

Tyrone Turner contributed reporting to this story.

This article is part of our 2022 contribution to the Homeless Crisis Reporting Project, in collaboration with Street Sense Media and other local newsrooms. The collective works will be published throughout the week at HomelessCrisis.press.

Fairfax Co. approves \$3 million for affordable housing at Arrowbrook

Tadiwos Abedje @wtop.com October 13, 2022, 8:34 AM

The Fairfax County Board of Supervisors took a significant action to support affordable housing in the Virginia county on Tuesday. In a 9-1 vote, the board approved a \$3 million bond issue to fund and complete the Ovation at Arrowbrook housing development near the Innovation Center Metro station in Herndon. This decision covers a \$3 million funding gap Fairfax County said was assembled by “supply change shortages resulting from COVID,” according to county documents.

The funds will be reimbursed by the Fairfax County Redevelopment and Housing Authority, using money from the project. The 274-unit project, which includes 148 units under the federal Low Income Housing Tax Credit program, is under construction and over 70% complete.

This is exactly the type of transit-centered, high-quality affordable developments we are building in every corner of the county,” wrote Chairman Jeff McKay in a newsletter. “The work to ensure every resident of Fairfax County can live and work here is a nonstop focus of the board.”

The county has goal of 10,000 affordable housing units by 2034. Currently, McKay says there are 4,000 that have been completed or are in the pipeline.