




County of Fairfax, Virginia

MEMORANDUM

DATE: October 6, 2022

TO: Tenant-Landlord Commission

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

SUBJECT: Tenant-Landlord Commission Meeting for October 13, 2022

Please find attached the Tenant-Landlord Commission meeting package. The next scheduled meeting is **Thursday, October 13, 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: 943 284 740#

Please RSVP with your attendance to Susan Jones by COB on Wednesday, October 12, 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
October 13, 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

- Legislative Update
- Remote Participation Policy

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
October 13, 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">• Legislative Update• Remote Participation Policy |
| November 10 | <ul style="list-style-type: none">• 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 | VACANT | | |
| Public Member | VACANT | | |
| Public Member (Condominium Owner) | Shahana Begum Islam | PALCHIK 6/23/2020 | 1/31/2023 |
| Landlord Member | Karen M. Geier-Smith - Secretary | BULOVA 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

Rebecca L. Makely, Acting Director
 Cable and Consumer Services
 703-324-5947
rebecca.makely@fairfaxcounty.gov

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. | - | - |

Community Outreach

Outreach Event Calendar
October 2022

| DATE | EVENT | LOCATION | # of Guests | Event Time | Staff |
|------------|--|---|-------------|-------------------------|-----------|
| 10/23/2022 | Consumer Booth | Springfield Town Center 6500 Springfield Mall Springfield, VA | | 12:00 p.m. - 4:00 p.m. | SCJ MP |
| 10/24/2022 | Consumer Connection Bitcoin/Cryptocurrency | Fairfax County Government 12000 Government Center Parkway Fairfax, VA | | 11:00 a.m. - 11:20 a.m. | SCJ |
| 10/26/2022 | Consumer 101 Scams Presentation | ExxonMobil Retirement Club | | 2:00 p.m.- 4:00 p.m. | PNB |

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: Emergency Preparedness Month (September 26, 2022)
<https://fb.watch/fRpD5f5PT3/>

Information Items

Proposed ‘home share’ program could help house older county residents([More](#))

35 Residents Displaced by Hybla Valley Apartment Fire ([More](#))

Electrical Event Cause of Hybla Valley Apartment Fire ([More](#))

HUD Secretary Marcia Fudge, Fairfax County Announce Allocation of Additional Rental Assistance Resources ([More](#))

Affordable housing units available through WDU Homebuyers program. ([More](#))