

Minutes of the Fairfax County Tenant-Landlord Commission

November 9, 2023

7:30 p.m.

Government Center Conference Room 232

12000 Government Center Parkway

Fairfax, VA 22035

Chairperson Chamberlain, presiding

Attendance:

Commissioners: Chamberlain, Otonde

Absent:

Commissioners: Reid

Staff:

Melissa Pickham, Consumer Specialist II
Consumer Affairs Branch

Guests:

Alfredo Diaz, tenant

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

Minutes

A motion was made by Commissioner Otonde to approve the October 9, 2023, minutes. The minutes were approved, 2-0-0.

Commission Matters

Commissioner Otonde had no matters to report to the Commission.

Report of the Director

Director Makely was absent from the meeting. However, Chairperson Chamberlain mentioned the approved Tenant-Landlord Commission (TLC) Advisory Memo was emailed to Director Makely and the recommendation to send it to Supervisor Penny Gross for review and consideration.

Old Business

Staff explained the outcome of the complaint filed by the tenants who attended the October TLC meeting. The tenants and landlord negotiated a later move out date to the satisfaction, of both parties.

Report of the Chairperson

Chairperson Chamberlain mentioned with great sadness the passing of Supervisor Gross's husband. He further stated that Supervisor Gross served and continued to serve Fairfax County with dignity for many years and that this is Supervisor Gross' last term. Chairperson Chamberlain inquired as to whether December 14, 2023, TLC meeting was scheduled to be held at an outside location. Staff will follow up with the Chairperson.

New Business

1. 2024 TLC Meeting Calendar.

A discussion ensued on work schedules and which day of the week would be a better fit. TLC selected the following dates:

Date	Location
Monday, January 8, 2024	Government Center
Monday, February 12, 2024	TBD
Monday, March 11, 2024	TBD
Monday, April 8, 2024	TBD
Monday, May 13, 2024	TBD
Monday, June 10, 2024	TBD
Monday, July 15, 2024	TBD
Monday, August 12, 2024	TBD
Monday, September 9, 2024	TBD
Monday, October 7, 2024	TBD
Thursday, November 14, 2024	TBD
Thursday, December 12, 2024	TBD

2. Nomination of Officers. Chairperson Chamberlain stated since all Commissioners were not present tonight, the Nomination of Officers will be held at the December 14, 2023, meeting.

Public Comment

Chairperson Chamberlain opened the floor for any public comment. Each speaker has two minutes. He asked that the public member provide their name; whether they are a tenant, landlord, or public member within the County; and the role of the TLC.

Alfredo Diaz stated he resides at Lake Anne House in Fairfax County and took the opportunity to attend the TLC meeting to discuss his concerns at Lake Anne House.

Mr. Diaz explained that Lake Anne House is a new property and there have been ongoing issues with the elevators at the property. Chandler, the elevator company, claims they are waiting for parts to repair the elevators. Mr. Diaz requested the County get involved to ensure the elevators are repaired.

Mr. Diaz discussed parking problems and fire lanes being blocked.

Melissa Pickham briefly explained the role of Fairfax County Consumer Affairs. Melissa provided detailed information on the Consumer Affairs complaint process. She provided contact information for the Fairfax County Department of Code Compliance and recommended Mr. Diaz file a complaint with their office, as well.

3. TLC Composition Code Change

Article 2- Tenant Landlord Commission, Section 12-2-1 (a). -Created; staff; meetings

Chairperson Chamberlain stated currently the Code reads:

There is hereby created a Tenant-Landlord Commission. The Commission shall be composed of ten (10) members, three (3) of whom shall represent tenants (hereinafter called "tenant members"), three (3) of whom shall represent landlords (hereinafter called "landlord members"), and four (4) of whom shall represent the community at large (hereinafter called "public members," one (1) of whom shall be a condominium unit owner).

Chairperson Chamberlain stated the Code has already defined tenant and landlord above. Now the TLC needs to determine what the composition looks like and then define what the person is as part of that member. He stated it was previously discussed the composition would include a stakeholder such as attorney who practices tenant-landlord law within the County.

A discussion ensued on changing the composition to two tenant members and two landlord members, making the remaining six positions at-large members, or changing the composition to one tenant member, one landlord member, and one condominium member, and seven at large members where one could be an attorney, but without confining those members to certain criteria.

Further discussion ensued on proposing two tenant members, two landlord members that must reside in Fairfax County, and the remaining six at-large members must either work or live in Fairfax County or the member's organization is headquartered in Fairfax County.

Section 12-2-1. -Created; staff; meetings (a)

Chairperson Chamberlain indicated he would strike the sentence below and replace it with A Chairperson shall be elected by the Commission from any member of the Commission who resides in Fairfax County.

*There is hereby created a Tenant-Landlord Commission. The Commission shall be composed of ten (10) members, three (3) of whom shall represent tenants (hereinafter called "tenant members"), three (3) of whom shall represent landlords (hereinafter called "landlord members"), and four (4) of whom shall represent the community at large (hereinafter called "public members," one (1) of whom shall be a condominium unit owner). All members shall be residents of Fairfax County, Virginia. Members of the Commission shall be appointed by the Board of Supervisors for terms of three (3) years each. The terms shall be staggered with no more than four (4) and no less than three (3) terms to commence in any one (1) year. Vacancies shall be filled by the Board of Supervisors as they arise. ~~A Chairperson shall be elected by the Commission from among the public members of the Commission.~~ **A Chairperson shall be elected by the Commission from any member of the Commission who resides in Fairfax County.** The Commission may adopt bylaws and rules and regulations governing the conduct of its responsibilities and duties hereinunder.*

Section 12-2-2. - Duties of the commission

Chairperson Chamberlain stated that the Commission may arbitrate tenant-landlord complaints, but it would be nice to add a (i) to the section that states that the TLC could hear and resolve cases that go to court, unrelated to rent, and the parties are looking to mediate. These cases could be heard and resolved by the Commission instead of taking up court time.

Consumer Specialist Pickham mentioned the ability of the TLC to arbitrate tenant-landlord complaints is dependent on whether the tenant-landlord complaint meets the criteria under the Virginia Consumer Protection Act. Staff will provide information at the next meeting.

A discussion ensued on Consumer Affairs' ability to refer suspected violation of law. Consumer Specialist Pickham stated if there is any agency that has enforcement authority like the Fairfax County Department of Code Compliance or Fairfax County Land Development Services then Consumer Affairs will contact the agency for assistance in resolving the tenant-landlord complaint or encourage the tenant to reach out to agencies with enforcement powers.

Chairperson Chamberlain requested Chapter 12 be emailed to him. Consumer Specialist Pickham provided the information. He stated he will review it more thoroughly so that further discussion can occur at the next meeting.

4. Discussion on Rent Subsidy offered by Employers.

Commissioner Otonde mentioned creating change or improving on continual rent increases. Chairperson Chamberlain responded this action could be caused by the accidental landlord who is a person who purchased a house, has a low interest rate, then a life change happens, and now must move out of the area so that number of units for sale continues to dwindle and the number of units for rent continue to rise, but the demand for those rental units have not ceased. He spoke about a new conversion in Tysons from a commercial building to rental units. He stated when you cap the rent you have disparate impact on different socioeconomic classes. He stated more programs are needed that are not based on location and a public/private partnership that provide a pathway of assistance.

Chairperson Chamberlain stated the Commissioner could have a public hearing at March 2024 meeting and invite representatives from Inova, Amazon, Capital One, and NVAR and have public conversation about a pathway forward for public/private partnerships to help renters with rent subsidies.

A motion was made by Commissioner Otonde to adjourn the meeting. Commissioner Chamberlain seconded the motion. The motion passed unanimously, 2-0-0. The meeting adjourned at 8:36 p.m.