

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

November 10, 2022

7:30 p.m.

Microsoft Teams Video Meeting  
Chairperson Chamberlain presiding

Attendance:

Commissioners: Chamberlain, Geier-Smith,  
Otonde, Park, Reid

Absent:

Commissioners: None

Staff Attending:

Rebecca L. Makely, Acting Director  
Cable and Consumer Services  
Susan C. Jones, Consumer Specialist III  
Consumer Affairs Branch  
Melissa Pickham, Consumer Specialist II  
Consumer Affairs Branch

The electronic meeting was called to order at 7:32 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 Geier-Smith, Burke, VA  
Commissioner Otonde, Centreville, VA  
Commissioner Park, Fairfax County, VA  
Commissioner Reid, Tysons, 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, 5-0-0.

### **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 466 715 728#. This motion was seconded by Commissioner Reid. This motion passed unanimously, 5-0-0.

### **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 Reid. This motion passed unanimously, 5-0-0.

### **Minutes**

A motion was made by Commissioner Geier-Smith to approve the August 11, 2022, minutes as written. Commissioner Park seconded the motion. The minutes were approved, 4-0-1, with Commissioner Reid abstaining because the meeting was prior to his appointment to the TLC.

### **Report of the Director**

Acting Director Makely had no matters to bring before the Commission.

Susan C. Jones, Consumer Specialist III, informed the Commission that Consumer Affairs was fully staffed.

### **Report of the Chairperson**

Chairperson Chamberlain introduced Commissioner Kenneth Reid.

### **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 had no matters to bring before the Commission.

Commissioner Reid had no matters to bring before the Commission.

### **Old Business**

Resident Agent Discussion. Chairperson Chamberlain provided an overview of the issues for Commissioner Reid. Acting Director Makely restated her discussion with the Assistant County Attorney on 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.

## **New Business**

**1. Remote Participation Policy.** Acting Director Makely reviewed updates to the Remote Participation Policy.

A discussion ensued regarding personal and medical reasons, 60-mile limit from meeting location, percent of meetings attended remotely, and the Chairperson's requirement to maintain the member's written request to participate remotely and the written response for a period of one year.

Chairperson Chamberlain made the motion to approve the Remote Participation Policy. Commissioner Geier-Smith seconded the motion. The motion passed 4-0-1.

Staff will follow up with the County Attorney's Office on maintaining member's written request to participate remotely.

**2. Legislative Update.** Melissa Pickham, Consumer Specialist II, Consumer Affairs discussed House Bill 281: Real Property; duty to disclose ownership interest and lis pendens and House Bill 402: Landlords, participation; tax credit.

A discussion ensued on tenant-landlord legislation that failed to pass, affordable housing, redevelopment projects in Fairfax County, and ways to reach stakeholders about Consumer Affairs tenant-landlord services.

Chairperson Chamberlain requested staff to contact the Virginia Department of Housing and Community Development (VDHCD) to request an update to the State Form: Tenants Rights and Responsibilities.

### **3. 2023 Nominations.**

Commissioner Geier-Smith nominated Commissioner Chamberlain as Chairperson. Commissioner Reid seconded the nomination. The nomination was approved, 2-0-2.

Chairperson Chamberlain nominated Commissioner Park to serve as Vice-Chairperson-Landlord. Commissioner Reid seconded the nomination. The nomination was approved, 4-0-0.

Chairperson Chamberlain nominated Commissioner Otonde to serve as Vice-Chairperson-Tenant. Commissioner Reid seconded the nomination. The nomination was approved, 3-0-0.

Chairperson Chamberlain nominated Commissioner Geier-Smith to serve as Secretary. Commissioner Reid seconded the nomination. The nomination was approved, 3-0-1.

Slate of 2023 Candidates:

Chairperson - Robert Chamberlain

Vice Chairperson-Landlord - Paula Park

Vice Chairperson-Tenant - Perez Otonde

Secretary - Karen Geier-Smith

The next Tenant-Landlord Commission meeting will be held virtually on Thursday, December 8, 2022.

A motion was made by Commissioner Reid and seconded by Commissioner Geier-Smith to adjourn the meeting. The motion passed unanimously, 5-0-0. The meeting adjourned at 8:40 p.m.