

Landlord-Tenant Relations Board  
Wednesday, June 4, 2014 – 7:00 p.m.

**Minutes of the Regular Meeting**

301 King St.  
Conference Room 2000  
Alexandria, VA 22314

**MEMBERS PRESENT:** Debra Zusman, Meloney Driver, Monique Banks, William Mount, Christin D’Amato, Geraldine Baldwin, Matt Damewood, Julia Colby and Ramon Venero.

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Melodie Seau, Vicente Espinoza

**GUESTS PRESENT:** Pat Arnaudo

**CALL TO ORDER:**

Chairperson Debra Zusman called the meeting to order at 7:06 p.m.

**PUBLIC COMMENT PERIOD:**

Ms. Pat Arnaudo introduced herself as a representative of St. Paul’s Ministry. Ms. Arnaudo stated that she was advocating for affordable housing, and wanted to see if the Landlord-Tenant Board could look into ARHA’s Procedures in regards to ARHA’s Section 8 waiting list and public housing. She stated that ARHA should at least explain or have procedures explaining where people are on the Section 8 and in public housing waiting lists. Ms. Zusman responded that at one time the Landlord Tenant Relations Board had a designated representative serving on the ARHA’s Board, but that the liaison to the ARHA Board had been eliminated by City Council. Ms. Zusman suggested that Ms. Arnaudo bring her concerns to the ARHA Board of Commissioners during a public comment period at the monthly meeting.

**LEGISLATIVE DISCUSSION:**

Ms. Seau provided an overview of legislation presented in the 2014 session of the Virginia General Assembly.

- After 2014 there will be no requirement for payment of interest on security deposits.
- As of July 1, 2014 tenants in single-family residences where the landlord owns no more than two single-family residences subject to a rental agreement are not covered by the Virginia Residential Landlord Tenant Act (VRLTA). This number was reduced from four residences under lease.

- Delegate Alfonzo Lopez introduced an unsuccessful bill which would have assumed retaliation by a landlord if there were an adverse action against the tenant within 6 months after a tenant had complained to a government agency, organized or became a member of a tenant organization, or testified in court against the landlord.
- Delegate Fuller introduced an unsuccessful bill that would have required at least 10% of newly constructed residential units to be affordable and accessible. The bill proposed to add the requirement to the Uniform Statewide Building Code making Code Administration responsible for its enforcement. The City opposed the bill based on the problematic nature of requiring enforcement of affordability by Code Administration.
- Section 55-248.2 Short title, was changed adding a second short title. The VRLTA can now be referred to as either the Virginia Residential Landlord Tenant Act or the Virginia Rental Housing Act.
- Local government fees such as recycling, elevator testing, or inspection fees were added to the allowable costs that can be disbursed among tenants through a Ratio Utility Billing System.
- It is now required that upon request by a tenant a landlord must install a carbon monoxide alarm in the tenants dwelling within 90 days of the request. The landlord may charge the tenant for the cost. The landlord is required to maintain the alarm thereafter.

Mr. Will Mount stated that he would like the Board to consider making legislative recommendations. Mr. Mount said that he is concerned that after a tenants' initial lease expires rents can be increased by excessive amounts. Mr. Mount said he would like to see "rent protection," not rent control, in the State of Virginia. He suggested a 10% to 15% cap on rent increases to prevent landlords from abusing tenants. Mr. Ramon Venero stated that it is the market, supply and demand, which regulates rents. Mr. Venero said that it would be impossible to convince the Virginia legislature otherwise. Ms. Christin D'Amato said that landlords will find other ways to pass the cost to tenants through fees. Mr. Mount said understands the Board's reluctance to propose rent protection but he asked that Board members think about the concept and consider how tenants could be protected through legislation from excessive rents.

Mr. Mount said he had concerns about legislative requirements for mold remediation in Virginia. He reported that over the Memorial Day weekend he discovered mold on the wall of his two week old son's room. The landlord examined the wall and determined that a pipe had been leaking behind that wall allowing the growth of mold for some time. A pediatrician recommended that they vacate immediately the apartment to not expose their son to any

breathing or neurological health risk. Mr. Mount said his landlord initially wanted to remediate the mold but Mr. Mount objected and requested that a mold remediation specialist conduct the work. Fortunately, the landlord agreed to go with a professional mold remediation company, but this experience caused Mr. Mount to consider the problems that tenants might face when dealing with difficult landlords, and problems that responsible landlords may face with difficult tenants.

Mr. Mount said that in speaking with staff of the Alexandria Health Department he learned that the department receives approximately 40 – 80 phone calls each year from tenants and landlords seeking advice about mold issues in apartments. In the past, the Department of Health had an employee who would send letters and pictures on behalf of tenants or landlord to the other party explaining that they may be violating the law, but funding for this position was eliminated. While the employee did not have enforcement powers, usually a letter or phone call from the Department of Health would inspire the landlord or tenant to remediate the mold issue. At present time, all the Department of Health can do is send a form letter via email.

In addition, an employee from the Department of Health informed Mr. Mount that inspectors with Code Administration cannot cite a landlord for mold accumulation. Inspectors cite for related issues like water damage, pipe breaks or an unclean surface, but not for mold. Mr. Mount said a landlord can avoid citations by painting over the mold, which does not remedy the problem and exposes tenants to future health risks. Mr. Mount stated that litigation is the only present remedy to enforce VRLTA and other requirements for mold remediation.

Mr. Mount proposed changes to the Virginia Code to clarify sections § 55-248.11:2 and § 55-248.18:2 requiring professional mold remediation to occur whenever possible visible evidence of mold has been observed within the dwelling unit or when the mold materially affects the health or safety of any tenant or authorized occupant.

Additionally Mr. Mount proposed requiring companies that wish to conduct mold remediation to be licensed by the Commonwealth of Virginia. In order to receive this license, such a company should be able to continually demonstrate that they understand and can properly conduct mold remediation "consistent with guidance documents published by the United States Environmental Protection Agency, the U.S. Department of Housing and Urban Development, the American Conference of Governmental Industrial Hygienists (the Bioaerosols Manual), Standard Reference Guides of the Institute of Inspection, Cleaning and Restoration for Water Damage Restoration and Professional Mold Remediation, or any protocol for mold remediation prepared by an industrial hygienist consistent with said guidance documents."

Mr. Mount proposed requiring the mold remediation company and/or industrial hygienist to provide written copies to both Landlord and Tenant certifying 1) the initial presence of mold; and 2) subsequently after mold remediation, that the mold in the apartment has been remediated; all visible mold has been removed; and the air quality of a dwelling is acceptable pursuant to industry standards.

Mr. Mount proposed that legislation be introduced to enable either the City Building Inspector or the Department of Health to enforce and/or require landlords or tenants to comply with mold remediation when necessary.

In addition, Mr. Mount asked the Board to urge Alexandria City Council to restore/designate funding for a position with the Environmental Health Division to enable their involvement in urging mold remediation for both landlords and tenants, as well as conduct a campaign to educate the Alexandria public on their rights and remedies regarding mold remediation.

Mr. Venero made a motion to take this issue to ask City Council to request review by the Virginia Housing Commission. The motion, seconded by Ms. Meloney Driver, was unanimously approved.

**APPROVAL OF THE MINUTES:**

The minutes of April 8, 2014, and April 14, 2014 meetings were approved.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 8:47 p.m.