

# Tenant-Landlord Commission Annual Report 2019

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JANUARY 8, 2020

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## Chair's Message

Coming on the heels of Amazon's decision to locate HQ2 in Arlington, 2019 was a year filled with renewed attention to the affordable housing crisis in the County. The Tenant-Landlord Commission heard from tenants and members of the public concerned about the rising cost of housing and the impact of gaps in the County's social services. The commission was able to work with stakeholders throughout the County to develop budgetary and policy recommendations to ensure that Arlington remains committed to being an inclusive community even as economic and other forces increasingly make it harder for low-income and racial/ethnic minority residents to live in our community. But much more work remains to be done.

The commission considered proposals related to eviction reduction, housing discrimination, and other areas that tested the limits of our commissioners' ability to find common ground. However, what emerged from these discussions was a stronger commitment to collaboration with stakeholders across the County—be they landlords, tenants, or interested members of the public. I look forward to building on the relationships we forged with landlord and tenant organizations this past year to ensure that our recommendations reflect the diverse viewpoints of County residents and the business community.

In 2020, the commission will consider proposals which drew considerable focus from commissioners and our subcommittees this year. Additionally, we will continue to advocate for the recommendations we made to the County Board and other government bodies in 2019 to ensure that all residents, especially those with the least, are able to find safe, decent, and affordable housing. There are many exciting opportunities to increase our collaboration with regional partners such as our joint meeting scheduled with Alexandria's Landlord-Tenant Relations Board in January 2020 as well as the County's continued work on the Analysis of Impediments to Fair Housing in concert with our regional neighbors.

I am excited to work with our commissioners, County staff liaison, County Board liaison, and other stakeholder groups to improve relations between tenants and landlords in Arlington County and advance the County's commitment to being an affordable, inclusive community. I also extend my sincerest thanks to my colleagues, County staff, County Board members, critical stakeholders, and members of the public for their contributions to our work.

**Kellen M. MacBeth**

Chair

Tenant-Landlord Commission

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# Tenant-Landlord Commission

The Tenant-Landlord Commission (TLC) was established in 1974 as an advisory body to the County Board of Arlington County, Virginia. The mission of the TLC is to promulgate fair and equitable relationships between landlords and tenants in residential spaces in Arlington County through the following functions:

- Tenant/Landlord Rights and Responsibilities – Provide information to tenants, landlords, and the public concerning the rights and responsibilities of tenants and landlords.
- County Board Advice – Advise the County Board on problems, policies, and programs in the areas of tenant-landlord relations and rental housing.
- Laws, Regulations, and Policy – Examine and evaluate current housing, health, and other regulations and laws as they may relate to the problems of tenants and landlords; offer suggested amendments to Arlington’s policies and regulations which would aid tenants and landlords; propose legislation for enactment by the General Assembly which would enable Arlington to deal with the problems of tenants and landlords on the local level or would benefit Arlington County residents.
- Grievances – Encourage tenants and landlords to resolve their grievances; gather facts relevant to understanding the grievances; conciliate and provide advice on grievances whenever possible; seek new methods of bringing tenants and landlords together.
- Relocation Plans – Assess and recommend approval of proposed relocation plans for County assisted or site plan projects. Advise the County Board on updates or revisions to the Relocation Guidelines.

The TLC is composed of nine commissioners with three representing tenants, three representing landlords, and three representing the public interest. In 2019\*, the TLC consisted of the following members:

- Kellen MacBeth, Tenant Representative & Chair
- Bismah Ahmed, Landlord Representative
- Christopher Bruno, Public Interest Representative
- Zachary Butler, Public Interest Representative
- Michael Campbell, Landlord Representative – Resigned March 2019
- Kristin Clegg, Landlord Representative
- Anne Elyse Hayes, Landlord Representative – Appointed November 2019
- Kendon Krause, Tenant Representative – Resigned May 2019
- Kirit Mookerjee, Tenant Representative
- David Timm, Tenant Representative – Appointed May 2019
- Matthew Whitfield, Public Interest Representative

*\*Commissioners who resigned or were appointed in 2019 are noted along with the month of the resignation or appointment*

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# Executive Summary

The TLC continued its efforts to resolve issues between tenants and landlords in 2019 while working to develop recommendations to address important policy issues related to rental affordability in Arlington. In close collaboration with the Department of Community Planning, Housing and Development (CPHD)—the TLC’s staff liaison—and the Department of Human Services (DHS), the TLC expanded its outreach activities, addressed critical issues related to evictions and housing discrimination through new subcommittees, developed policy and budget recommendations for the County Board, and reviewed and recommended approval of new Relocation Plans.

This annual report is mandated under Section 9 of the TLC Charter which requires that the TLC “submit an annual report to the County Board on Arlington’s needs, trends, problems and achievements in the area of tenant-landlord relations...” This report, by providing an overview of the TLC’s 2019 activities, satisfies this requirement. The report contains the following sections:

## **Public Engagement, Education, and Outreach**

The TLC collaborated with CPHD and DHS to expand outreach and education efforts to new tenants and landlords throughout Arlington through activities like the Housing Matters Forums. The TLC also established relationships with regional partners including Alexandria’s Landlord-Tenant Relations Board and Fairfax County’s Tenant-Landlord Commission in addition to strengthening ties with community organizations and citizen advisory commissions with similar portfolios in Arlington.

## **Eviction Reduction**

The TLC convened a subcommittee and worked with CPHD and DHS to develop a proposal for the General District Court to reduce the number of evictions in Arlington through participation in Virginia’s Eviction Diversion Pilot Program, facilitation of eviction prevention services for tenants at the courthouse, and better information about eviction prevention programs for tenants.

## **Housing Discrimination**

The TLC convened a subcommittee and engaged in a multitude of outreach efforts and internal discussion around source of income (SOI) protection for low-income residents and barriers to housing for residents with criminal history. This work will continue into 2020.

## **Policy Recommendations and Resolutions**

The TLC made recommendations to the County Board regarding the fiscal year (FY) 2020 and 2021 budgets and increased allocations for Housing Grants and other affordable housing programs. Additionally, the TLC recommended that the County adopt 2020 General Assembly Legislative priorities to incentivize acceptance of Housing Choice Vouchers among landlords and provide additional rental assistance to low-income residents across the commonwealth.

## **Relocation Plans**

The TLC considered two Relocation Plans and recommended their approval to the County Board.

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## Public Engagement, Education, and Outreach

As a citizen advisory commission, the TLC's engagement with the public, especially tenants and landlords, is central to our mission. In 2019, the TLC heard from members of the public on a wide range of issues including rental affordability, tenant issues with landlords/property managers, comments on policy proposals before the TLC, tenant legal rights, and more. Where possible, commissioners offered advice or coordinated with County staff to try and resolve these issues. Additionally, we worked to elevate the concerns of the public to the County Board and other County stakeholders. In some instances, the TLC worked directly with housing providers to ensure that their tenants' issues were understood and encouraged appropriate action to resolve the issues.

Below are some highlights from the TLC's education and outreach activities in 2019:

- Partnered with CPHD and DHS to provide advice and assistance for several of the quarterly Housing Matters Forums for tenants and landlords
- Developed new Public Comment Guidelines to facilitate meaningful communication between members of the public and the TLC during commission meetings
- Received 13 presentations from County departments, offices, and community organizations at TLC meetings on critical topics such as Arlington's Housing Grants Program, Code Enforcement, Fair Housing, General Land Use Plan & Zoning, Housing Conservation Districts, and Amazon's HQ2
- Developed relationships with Alexandria's Landlord-Tenant Relations Board and Fairfax County's Tenant-Landlord Commission to foster regional coordination. Coordination with the Landlord-Tenant Relations Board led to the Alexandria City Council joining the Arlington County Board in adopting one of our shared legislative priorities for the 2020 General Assembly session: the expansion of the Communities of Opportunity Tax Credit program
- Developed relationships with the Housing Commission, Community Development Citizens Advisory Commission (CDCAC), and Human Rights Commission (HRC) and worked to coordinate efforts, where appropriate
- Coordinated with BU-GATA to address tenant issues, gather information about tenant concerns throughout the County, and receive feedback on policy proposals
- Coordinated with Arlington nonprofit and advocacy organizations like the Alliance for Housing Solutions to synchronize efforts and share information

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# Eviction Reduction

According to records maintained by the Arlington County Sheriff's Office, there were 1,443 evictions received in 2017, an average of 120 per month. Of the evictions received, 57% of them (817) resulted in an eviction. Although Arlington County has significantly fewer evictions than other jurisdictions in the commonwealth, the TLC believes this number is still too high. Through Arlington's Continuum of Care (CoC), the County and nonprofit service providers provide resources to prevent evictions (i.e., emergency financial assistance, rental assistance, free legal aid, information about tenant rights, etc.) but some tenants still slip through the cracks.

In March 2019, the TLC established the Eviction Reduction Subcommittee to hold meetings and take steps to reduce the number of preventable evictions within Arlington County. This subcommittee built on the TLC's ongoing efforts to develop an understanding of evictions in Arlington County and identify policy solutions to reduce the number of evictions.

The subcommittee and TLC accomplished the following in 2019:

- Coordinated with CPHD to establish an Eviction Prevention webpage for Arlington County (May 2019)
- Coordinated with DHS, CPHD, and Legal Services of Northern Virginia to develop an eviction reduction proposal for the General District Court with 3 parts (September 2019):
  1. Participation of Arlington's General District Court in Virginia's Eviction Diversion Pilot Program
  2. Scheduling all 1<sup>st</sup> hearings for evictions on the same day of the week so that DHS, Legal Services of Northern Virginia, and other groups can better support tenants at the courthouse
  3. Attachment of a 1-page eviction prevention resources guide to all eviction notices
- Developed a survey to be distributed by the Northern Virginia Apartment Association (NVAA) and the Apartment & Office Building Association of Metropolitan Washington (AOBA) to gather additional data about evictions in Arlington (October 2019)

The TLC's work with the General District Court to advocate adoption of the eviction reduction proposal is ongoing. Additionally, the TLC continues to collect information about the scope and scale of evictions within Arlington County.

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# Housing Discrimination

Arlington adopted the Affordable Housing Master Plan in 2015 and continues to support multiple programs to build and preserve the stock of affordable housing units. These programs target low- and moderate-income residents who struggle to overcome the burden of high rents. Some residents, especially low-income and racial minorities, struggle to access affordable housing because of their reliance on government subsidies or their criminal history—both criteria are used by some landlords to limit access to housing.

In April 2019, the TLC established the Housing Discrimination Subcommittee to hold meetings and take steps to reduce/eliminate housing discrimination within Arlington County. This subcommittee worked with County staff from DHS, CPHD, and the Office of Human Rights (OHR), nonprofit organizations like Offender Aid and Restoration (OAR), interest groups such as NVAA, AOBA, and the Arlington NAACP, and the HRC to gather information and discuss potential policy solutions.

The subcommittee and TLC accomplished the following in 2019:

- Discussed the legal source of income (SOI) protection policy proposal—Furthering Housing Accessibility for Income-Assisted Renters (FHAIR)—introduced by the Chair to the TLC (June 2019)
- Conducted outreach to landlords, including AOBA and NVAA, to gather feedback on the potential impact of the FHAIR proposal’s implementation
- Provided feedback to Arlington’s Public Housing Authority (PHA) regarding landlord concerns with administration of the Housing Choice Voucher program
- Conducted research on landlord and tenant perspectives around barriers to housing resulting from criminal history and this issue’s scope/scale within Arlington County
- Coordinated with DHS, OAR, and the Arlington NAACP Chapter to discuss SOI protection and barriers to housing for residents with criminal history
- Included SOI and criminal history topics in Fair Housing Tenant and Landlord Housing Matters Forums to gather community feedback (October 2019)
- Began coordinating with OAR to plan a community event in 2020 to explore barriers to housing for residents with criminal history and potential policy solutions

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# Policy Recommendations and Resolutions

The TLC is charged with making recommendations to the County Board related to tenant-landlord relations and rental housing. In 2019, the TLC considered several policy options and made recommendations to the County Board to enhance the Arlington community.

## **Fiscal Year (FY) 2020 Budget Guidance –**

- The TLC approved a letter to the County Board requesting that the Housing Grants Program, a cornerstone of Arlington’s commitment to affordable housing that many elderly, disabled, and working families rely on, have its maximum allowable rents (MAR) raised from existing levels to the Fair Market Rent (FMR) values set by the U.S. Department of Housing and Urban Development (HUD). The TLC also recommended that the Housing Grant MARs be indexed to HUD’s FMR values to automatically increase as average rents increase. The TLC received firsthand accounts from residents describing their struggle to continue paying rent despite receiving Housing Grant assistance. (February 2019)
- The TLC endorsed a letter to the County Board along with the Alliance for Housing Solutions AHS and 15 other organizations and individuals in advocacy of the following budget actions (April 2019):
  - Advertising a higher tax rate to allow flexibility
  - Increasing the MARs for the Housing Grants Program
  - Funding Housing Grants with ongoing funds and increasing ongoing funds for the Affordable Housing Investment Fund (AHIF)
  - Funding additional staff for meeting the policy and planning needs related to affordable housing, especially the difficult task of moving forward on zoning reforms

## **2020 General Assembly Legislative Priorities –**

- The TLC approved a letter to the County Board requesting that the board adopt the following legislative priorities when advocating to the Virginia General Assembly (July 2019):
  - Expand the Communities of Opportunity (COP) Tax Credit Program to Arlington – The Communities of Opportunity tax credit program provides landlords with a financial incentive to rent to Housing Choice Voucher (HCV) recipients. Expanding eligibility for the program to landlords in Arlington could increase the number of HCV recipients residing in market rate rental units.
  - Establish a Virginia Rental Assistance Program – While 103,000 households in Virginia receive rental assistance, over 250,000 households pay more than half their income in rent and receive no assistance. Renters in Arlington and elsewhere in the state could benefit from a state-wide rental assistance program.

## **Housing Arlington Resolution –**

- The TLC approved a resolution supporting the goals of Housing Arlington and the County Board in their efforts to ensure that each of the six Housing Arlington initiatives explicitly consider how County proposals or activities will impact people of color, low-income, and

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extremely low-income renters and what impact, if any, the proposals or activities will have on housing segregation by race or ethnicity and income, with transparency. (November 2019)

### **2020 Census Resolution –**

- The TLC approved a resolution to become an Arlington 2020 Census Partner and committed to making information available to landlords and tenants about participating in the 2020 Census during the regular conduct of the TLC’s duties. (November 2019)

### **2019 Close-Out Funding and 2021 Budget Priorities –**

- The TLC approved a letter to the County Board endorsing the Alliance for Housing Solution’s 2019 Close-out Funding & FY2021 Budget Guidance letter to the County Board including the following budget actions (November 2019):
  - In FY 2020, create a contingency fund for Housing Grants of up to \$1 million in the current fiscal year to account for increasing rent pressures and housing needs.
  - In FY 2020, increase Emergency Stabilization funding by \$500,000 for the current fiscal year with an expansion of program guidelines to allow up to three months of emergency assistance for each household, creating a more realistic “runway” for residents to resolve delinquencies and develop a near-term financial plan to recover from the crisis.
  - In FY 2020, allocate \$10-14 million to a Quick-Strike Land Acquisition Account to be used to purchase properties suitable for affordable housing development when (or before) they come on the market.
  - For FY 2021, increase the total Affordable Housing Investment Fund (AHIF) allocation to \$25 million.
  - For FY 2021, consistent with the Shared Prosperity Initiative of the Arlington Community Foundation, we support a greater focus on 30% AMI households within the County’s allocations of AHIF, Housing Grants, Emergency Assistance and other targeted programs.
  - For FY 2021, increase allocations to the Housing Grants program and update the eligibility guidelines to account for extremely low-income households that do not meet the program’s current categorical requirements.

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## Relocation Plans

The TLC reviews and makes recommendations regarding relocation plans for projects which require County Board approval to ensure that project owners are operating in a manner consistent with County policy and tenant best interests. Tenant displacements cause hardships for those directly affected and negatively impact the surrounding neighborhoods and other communities within the County. It is the policy of the County to work with project owners to avoid tenant displacements, whenever possible. When tenant displacements are unavoidable, advance disclosure and open communication by all parties will minimize misunderstandings and make the relocation experience less onerous. The fundamental goal of the County's relocation policy set forth in Arlington's Relocation Guidelines is to enable displaced tenants to move directly to decent, structurally safe, and affordable replacement housing convenient to their place of employment and/or school. The TLC considered and approved the following relocation plans in 2019:

- **Ellis Arms Apartment, 1523 Fairfax Drive, Arlington, VA** – The TLC recommended approval of the Relocation Plan for the permanent relocation of residents of 10 occupied units at the Ellis Arms, a four (4) story brick apartment building with 14 dwelling units: seven (7) one-bedroom units, and seven (7) two-bedroom units. The existing structure will be demolished and redeveloped into a 10-story, 48-unit multifamily building.
  - 1<sup>st</sup> hearing at TLC meeting in May 2019
  - 2<sup>nd</sup> hearing at TLC meeting and approval vote in June 2019
- **Knightsbridge Apartment, 210-212 North Glebe Road, Arlington, VA** – The TLC recommended approval of the Relocation Plan for the temporary relocation of residents of 37 apartments in Knightsbridge Apartment during major renovations.
  - 1<sup>st</sup> hearing at TLC meeting in September 2019
  - 2<sup>nd</sup> hearing at TLC meeting and approval vote in October 2019

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