



2023 DRAFT Legislative Priorities

The Housing Commission recommends that the County Board include the following priorities in its legislative package for the 2024 General Assembly:

Authority of Localities and District Courts

1. Expand localities' negotiation authority with developers for site-plan conditions to include habitability conditions, bedroom size, and Type A accessibility for market rate units.
 - Currently, the County does not have negotiating power on unit size (number of bedrooms) for market-rate units (1).
 - Community members and organizations have commented that there is a need for more units that are accessible to people with disabilities.
 - Currently, the County can only require that 2% of total units be Type A units as required in the Americans with Disabilities Act (1).
 - Type A units are the second-most stringent of the three types of accessible units defined by the International Code Council (Accessible, Type A, and Type B). (2)
2. Grant authority to Virginia localities to enforce tenant rights and protections under the Virginia Residential Landlord and Tenant Act (VRLTA), especially concerning health and safety conditions.
 - Delegate Price proposed this with HB802 in 2022. The bill passed the Virginia House and Senate but was vetoed (3).
3. Allow General District Courts to place residential buildings under receivership when the property manager or landlord repeatedly fail to address significant maintenance, health, and safety issues in the building to ensure that the repairs are made and tenants reside in a habitable environment.
 - Delegate Lopez planned to introduce this bill in 2022 after the Serrano report (4).

- Delegate Price proposed this with HB1650 in 2023 (5).
- A similar bill was also proposed by the Virginia Poverty Law Center, which would protect tenants if they withhold rent due to uninhabitable conditions (6).

Tenant Protections

4. Enhance anti-retaliation protections for tenants who form a tenant association, seek to enforce their rights under the Fair Housing Law, VRLTA, and Virginia Uniform Statewide Building Code, or raise grievances to their property manager or landlord.
 - Delegate Lopez planned to introduce this bill in 2022 after the Serrano report (4).
 - Delegate Lopez proposed this with HB840 in 2022. This bill would presume that a landlord is retaliating against a tenant if they increase their rent or evict them within 6 months after the tenant brings up complaints (7).
5. Provide compensation for tenants whose units have been condemned through no fault of their own so that a property owner's failure to maintain the habitability of a unit or failure to comply with the law does not result in simply a forced-eviction for the tenant.
 - Delegate Lopez planned to introduce this bill in 2022 after the Serrano report (4).
 - Delegate Lopez proposed this with HB2058 in 2023. This bill would give tenants 3 months' rent in compensation if they are evicted due to their unit being condemned by the landlord's neglect (8).
6. Establish a Virginia mold remediation fund and provide free mold testing to Virginia residents. Require that landlords reimburse Virginia for mold testing and remediation if they do not address any mold issues identified through state testing within 20 days. If the landlord fails to remediate the mold, the state will carry out remediation for the tenant.
 - Virginia could consider adopting some of DC's ideas here too: DC (District of Columbia Code §§ 42-3261 -- 3269) requires landlords to remediate mold contamination and disclose previous mold contamination to prospective tenants, and directs the District Department of the Environment to establish minimum work practices and guidelines for mold assessment and remediation

and to set a threshold level of indoor mold contamination that requires professional remediation. DC also requires the Department to establish a certification system for mold professionals, along with minimum mold work practice standards and guidelines, and prohibits anyone from engaging in the business of mold assessment or remediation without being certified or licensed (9).

- This may help address some of the issues outlined around mold in the 2022 CAF report.
7. Expand the list of provisions in the Uniform Statewide Building Code related to recognized standards of health and safety required to be present in buildings and structures to include standards related to the accumulation and growth of mold, plumbing leaks or issues, air conditioning and heating equipment and running hot water, and the removal of lead paint and paint that is flaking.
 - Delegate Lopez planned to introduce this bill in 2022 after the Serrano report (2).
 - Delegate Lopez proposed this with HB885 in 2022 (10).

References

1. [Arlington County Housing Commission Meeting Notes, June 1, 2023.](#)
2. ["Type A and Type B Dwelling Units." Portal.CT.gov, 2017.](#)
3. ["HB 802 Virginia Residential Landlord and Tenant Act; enforcement by localities." LIS.virginia.gov, 2022.](#)
4. [DeVoe, Jo. "Del. Lopez Files Bills Strengthening Tenant Protections after Serrano Saga." Ar/Now, 21 Dec. 2021.](#)
5. ["HB 1650 Virginia Residential Landlord and Tenant Act; enforcement by localities." LIS.virginia.gov, 2023.](#)
6. ["Warrant of Habitability Fact Sheet." Virginia Poverty Law Center, Jan. 2020.](#)
7. ["HB 840 Virginia Residential Landlord and Tenant Act; retaliatory conduct, rebuttable presumption." LIS.virginia.gov, 2022.](#)
8. ["HB 2058 Virginia Residential Landlord and Tenant Act; tenant's assertion, condemnation of leased premises." LIS.virginia.gov, 2023.](#)
9. ["Database Excerpt: Mold Laws." Environmental Law Institute, 2015.](#)
10. ["HB 885 Uniform Statewide Building Code; livability standards." LIS.virginia.gov, 2022.](#)