

HOUSING COMMISSION  
KELLEN MACBETH, CHAIR

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September 21, 2023

Hon. Christian Dorsey, Chair  
Arlington County Board  
2100 Clarendon Boulevard, Suite 300  
Arlington, VA 22201

RE: Legislative Priorities

Dear Mr. Dorsey:

At its September 14, 2023, hybrid public meeting, the Housing Commission considered several legislative priorities for the Virginia General Assembly's next session. The Housing Commission recommends that the County Board consider adopting the following legislative priorities within its legislative package:

1. 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.
  - The County Board has included this item in its legislative priorities since 2021 and the Commission believes it should continue to be a priority for the county. Although Delegate Price patroned legislation (HB802) aligned with this legislative priority in 2022, the bill was vetoed after being passed by the Virginia House and Senate.
2. Increase the required percentage of accessible units (Type A) for new development in the Virginia Building Code.
  - The Housing Commission received testimony from disability advocates who recommended that the required percentage in the Virginia Building Code Section 1107.6.2.2.1 for Type A units in new construction be increased from 2% to 10%. These advocates noted that there is a shortage of accessible units in Arlington.
3. 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.

- The Housing Commission has heard directly from tenants, especially low-income tenants, that they have hesitated to or not reported violations of their rights as tenants because they fear retaliation. Additionally, the Regional Fair Housing Plan adopted by the County Board in July 2023 notes that that Spanish-speaking residents reported “fear of reprisal as a major issue in reporting housing discrimination or substandard housing conditions.” This is a problem affecting tenants across the county across income levels and current law places the burden of proving a landlord’s intent to retaliate on the tenant. In 2022, Delegate Lopez patroned HB840 which 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. The bill failed to advance in the General Assembly.
4. 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 unsafe 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.
- The Housing Commission noted in the Serrano Report (2022) that potentially dangerous mold continues to be a problem for low-income tenants in Arlington. The Housing Commission has heard complaints from residents of mold infestations and the unwillingness of their landlords to remediate the mold as required under the VRLTA. The proposed legislative priority would provide Virginia residents with new tools to economically identify dangerous mold and new authority for the commonwealth to improve tenant’s health and safety conditions when landlords refuse to meet their duty under the VRLTA.

The Commission vote on the motion was 8-0. Commissioners Brown, Hemminger, MacBeth, McGilvray, Montgomery, Norris, Serfis and Wenger voted in favor. Thank you for your consideration and support of affordable, safe, and accessible housing in Arlington.

Sincerely,

Kellen MacBeth



Chair