

COMMONWEALTH OF VIRGINIA

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DELEGATE JOHN COSGROVE, Vice Chair
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VIRGINIA HOUSING COMMISSION

Neighborhood Transitions & Residential Land Use
General Assembly Building; House Room C,
10:00 a.m.

Members Present:

Delegate Rosalyn Dance, Chair
Delegate Glenn Oder
Senator Maime Locke
T.K. Somonath
Brian Gordon
Michael Toalson
John Jordan
Kelly Harris-Braxton
Mark Flynn
Bill Ernst
Ted McCormack
A. Vaughn Poller
Tyler Craddock
Barbara Valois
Chris Freund
Gary Garczynski

Delegate Rosalyn Dance called meeting to order at 10:10 a.m.

DELEGATE JOHN A. COSGROVE
DELEGATE ROSALYN R. DANCE
DELEGATE ROBERT D. HULL
DELEGATE DANIEL W. MARSHALL, III
DELEGATE G. GLENN ODER

SENATOR MAMIE E. LOCKE
SENATOR JOHN C. WATKINS
SENATOR MARY MARGARET WHIPPLE

F. GARY GARCZYNSKI
T. K. SOMANATH
MELANIE S. THOMPSON

I. **Delegate David Bulova** presented background reasons for HB 2653,

A. The purpose of this bill is to address concerns with tenants violating noise ordinances, public peace, disorderly conduct and the police have no effective way to hold the landlord responsible

B. While often times the problem is with the property, many times it is problems associated with the tenants and no way to get the landlord to “feel the pain.”

C. Lots of problems associated with growth of student population with no growth of similar growth of student housing

II. The bill was drafted by Chip Dicks, and we put something together that addressed the issues similarly done with overcrowding, using the zoning ordinances.

A. One concern we had was we wanted a verifiable problem. We didn’t want overly sensitive neighbors to complain and thus hold the landlord to a different level. We would require a fine or a ticket; we also wanted some type of pattern of behavior curtailed.

B. We also wanted notice to the landlord; we wanted this to come into play where the landlord knew of the problem and wasn’t using the tools available to him to correct it.

1. Looking forward, we could use the nuisance provisions Section 15.2-900 (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+15.2-900>).

2. We could amend the nuisance clause to say that in these circumstances, it could be considered a nuisance.

III. **T.K. Somonath** expressed concern that this may dampen future investors from buying foreclosed homes, and existing laws seem to protect localities.

A. **Del. Bulova:** We certainly do not want to dampen investment; however a bad tenant may discourage investing by scaring off potential investors.

B. **Mark Flynn** concurred.

IV. **Mike Toalson** asked if § 15.2 was more descriptive than the language of this bill. There is concern that a child playing the tuba would be affected. He expressed concern that the bill needs to be more descriptive about the habitual part. Is this really a new problem?

A. **Del. Oder** shared that given this economy, we can expect to see more rentals and he shares concern over the local tuba player falling under this. Requested a matrix, showing, for example, with so much noise, what is the action, what’s the follow-up? Show what works and what doesn’t and why.

1. Maybe having the law on the books will affect the way landlords screen tenants and use their security deposits.

2. What do the Police departments say about this?

V. **Mark Flynn:** I do have a handout <see letter> Maybe this isn't a zoning issue; in a zoning issue, we already have authority to go after landlord.

VI. **Penelope Gross,** Vice Chair of the Fairfax Board of Supervisors shared with the subcommittee that this issue is not just colleges and students, it is young people.

A. We do contact the police when a crime is involved but many times an arrest will not cure the problem.

1. We have found when we take this to circuit court, either the case is dismissed or they are given more time.

2. Even if HB 2653 isn't the ideal approach, the issues are real. We hope whatever the committee comes up with enforces zoning against the homeowner.

VII. **A. Vaughn Puller** asked if this bill will address issues of mattresses on the lawn, and basic junk and garbage concerns.

A. **Del. Bulova:** the bill was originally drafted against behavior as opposed to junk issues.

B. **T.K. Somonath** expressed concern that the new immigrant community is not subjected to unnecessary hardships due to cultural issues and language barriers.

1. **Del. Bulova** stated that we are both proud to represent districts with new immigrants, and we want them to succeed.

2. I agree with Del. Oder in seeing what part of the process are we needing this new tool. The idea is not to punish new immigrants.

C. **Mark Flynn:** this is not a zoning issue; it's an area of general nuisance. We need to identify specific areas in the code where there are holes.

VIII. **Del. Dance:** there is consensus that we want to do something; this isn't the document to do address the problem adequately. A sub-workgroup would be appropriate to iron out the issues needed to be addressed.

A. I would like to make an official recording of those who would like to volunteer. We are looking for the workgroup to look at:

1. The universe of nuisance.

2. Habitual behavior vs. one time infractions.

3. Who would enforce.

B. The volunteers are: John Jordan, A. Vaughn Puller, Ted McCormack, Barbara Valois, Kelly Harris-Braxton, Brian Gordon, and Mark Flynn. The committee also nominated Chip Dicks to be on the workgroup.

C. Will hear from the workgroup before the full commission meeting, sometime in late August.

IX. Adjourned 11:04 a.m.