

ORDINANCE NO. 1726

AN ORDINANCE creating the CITY OF ALEXANDRIA, VIRGINIA LANDLORD-TENANT RELATIONS BOARD, AN ADVISORY BOARD, TO RESOLVE GRIEVANCES AND PROMOTE HARMONY AND UNDERSTANDING BETWEEN LANDLORDS AND TENANTS AND TO MAKE RECOMMENDATIONS TO CITY COUNCIL AS A RESULT OF ITS EXPERIENCE: which ORDINANCE PROVIDES STAFF SUPPORT FOR THE BOARD AND PRESCRIBES THE POWERS, DUTIES AND PROCEDURES OF THE BOARD AND STAFF.

WHEREAS, there are many rental dwellings and building units in the City and tenants constitute a large portion of the total population of the City; and

WHEREAS, in recent years it appears that a number of grievances have arisen between landlords and tenants in the City; and

WHEREAS, the City Council of Alexandria is of the opinion that landlords and tenants should treat each other fairly, that their grievances should be eliminated and that there should be better understanding and harmony between landlords and tenants; and

WHEREAS, the Council is also of the opinion that a Landlord-Tenant Relations Board should be created as it may be able to: (a) resolve many grievances, (b) promote harmony and understanding, (c) lessen or eliminate the need for strict legislation and (d) make meaningful recommendations to the City Council as a result of its experience; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

1. There is hereby created and established a Board to be known as the "City of Alexandria, Virginia Landlord-Tenant Relations Board", herein sometimes referred to as the Board.

2. The Board shall consist of seven members appointed by the City Council; three of which members shall be tenants of dwellings or dwelling units within the City, one of whom shall be chosen from each of the City's three (3) Planning Districts, three of which shall be landlords or representatives of landlords of dwellings or dwelling units within the City, and one of which shall be a resident of the City who is neither a landlord nor tenant. It shall not be necessary for more than one of such landlords or representatives of landlords to be a resident of the City, providing they own or manage rental property located within the City. Three (3) of the members, as determined by lot among the appointees, shall serve an initial term of one year. Otherwise, the term of service shall be two years. Any vacancy shall be filled by the Council for the unexpired portion of a term. The Council shall designate one of the members of the Board as chairman. Successor chairmen shall be chosen by a majority vote of all the members of the Board.

3. All members of the Board shall be entitled to vote and the decisions of the Board shall be determined by a majority vote of the members present. A quorum of four members present is required before the Board make take official action. A member present but not voting shall be considered in counting a quorum. When voting on any question the determination may be made by secret ballot but no proxy shall be allowed at any time; provided that nothing herein shall prevent either party from having a poll of the Board. All meetings of the Board shall be open to the public

and a full and impartial hearing shall be granted on all matters. Insofar as reasonably possible, all hearings shall be informal and free from technical rules of law and evidence. The secretary of the Board shall cause minutes of its proceedings to be kept and all findings and decisions be reduced to writing and entered as a matter of public record in the office of the secretary. In matters concerning the procedure for meetings not covered by this ordinance, the Board may establish its own rules, provided these are not contrary to the mandate or spirit of this ordinance. The Board shall render each 6 months to the City Council a written report of its activities under the provisions of this ordinance along with such comments and recommendations as it may choose to make. The Board shall meet at least once each month from September to June, and may meet in July and August. Members shall serve without compensation but may receive such reimbursement for expenses as the Council may from time to time allow. The Board shall not expend or authorize the expenditure of City funds except with the specific approval of City Council.

4. The City Manager shall designate a city employee to serve as secretary of the Board and designate a citizen assistance officer, hereinafter called officer, to work pursuant to this ordinance and furnish staff support. The secretary and the officer may be the same person. The City Manager may designate additional staff as needed.

5. Any landlord who has a current unresolved grievance against a tenant of a dwelling or dwelling unit or any tenant who has such a grievance against a landlord of a dwelling or dwelling unit who wishes to resolve such grievance under the provisions of this ordinance, must first file his grievance in writing with the officer. Upon the filing of such grievance the officer shall notify the landlord or tenant, as the case may be, and make an investigation to determine whether or not there is probable cause to credit the allegations. If he determines after such investigation that there is no probable cause to credit the allegations of the grievance the officer shall so notify the landlord and tenant. If the officer, after investigation, determines that there is probable cause to credit the allegations of the grievance he shall promptly endeavor to eliminate the grievance by conciliation and persuasion. Things said by any landlord or tenant during conciliation efforts shall be kept in confidence.

6. In the event the officer is unable to obtain conciliation within a reasonable time, he shall, but only with the consent of the aggrieved landlord or tenant, promptly notify the Board of such grievance and the Board shall within 10 days following the receipt of such notice schedule a public hearing at which it shall receive evidence to determine if there is a legitimate grievance. Not later than fourteen (14) days after the conclusion of a hearing the Board shall render and announce and make public a decision which shall include a written statement of its findings. Hearings may be ex parte if after reasonable notice the landlord or tenant complained against does not appear.

7. Findings and decisions of the Board shall be advisory only and of no legal force or effect.

8. Nothing in this ordinance shall prohibit the officer from continuing his efforts to reach conciliation at any time. A conciliation shall, as soon as reached, put an end to proceedings under this ordinance.

9. No proceeding shall be commenced pursuant to this ordinance when any criminal or civil action involving the same grievance has been filed with, is pending before, or has been disposed of by a court. In the event any criminal or civil action concerning a grievance is commenced in any court during the pendency of any proceeding filed pursuant to this ordinance for the same grievance, such proceeding shall be automatically ended. No proceeding shall be commenced or pursued under this ordinance when the grievance is the subject of any civil or criminal action. Nothing in this ordinance shall deprive any other Board, Commission, or Agency of the City of any jurisdiction or authority granted to such Board, Commission, or Agency by any other provision of law.

10. In addition to the duties and responsibilities heretofore outlined in this ordinance, the Board shall:

- (A) Formulate and recommend to the City Council such specific legislative proposals as it may feel to be desirable to facilitate the resolution of or to resolve the various landlord-tenant problems which come to the attention of the Board.
- (B) Develop, publish and distribute suggested maintenance and repair guidelines for various types of rental properties.
- (C) Develop, publish and distribute a pamphlet containing a short and accurate summary of the respective rights, remedies, and responsibilities of landlords and tenants.
- (D) Formulate and recommend to the City Council suggested guidelines covering the posting, use, and return of tenants' security deposits.

11. It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

12. This ordinance shall be published in a newspaper of general circulation in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The clerk of the council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

Charles E. Beatley, Jr.
Mayor

Final Passage: October 26, 1971