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HOUSE BILL NO. 764

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact § 55.1-1236 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; early termination of rental agreement; victims of sexual abuse or criminal sexual assault.

Patrons—Delaney and Bennett-Parker

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1236 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1236. Early termination of rental agreements by victims of family abuse, sexual abuse, or criminal sexual assault.

A. Any tenant who is a victim of (i) family abuse as defined by § 16.1-228, (ii) sexual abuse as defined by § 18.2-67.10, or (iii) other criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 may terminate such tenant's obligations under a rental agreement under the following circumstances:

1. The victim has obtained an order of protection pursuant to § 16.1-279.1 and has given written notice of termination in accordance with subsection B during the period of the protective order or any extension thereof; or

2. *The victim has obtained a preliminary protective order pursuant to § 19.2-152.9 or a protective order pursuant to § 19.2-152.10 and has given written notice of termination in accordance with subsection B during the period of the protective order or any extension thereof;*

3. *The victim has obtained, as evidence of family abuse, sexual abuse, or other criminal sexual assault, (i) records or files from a federal or state agency, law-enforcement agency, or court; (ii) documentation from a domestic violence or sexual assault program; (iii) documentation from a duly ordained, commissioned, or licensed minister of any religious denomination who provides proof of his ordination and of his being in regular communion with the religious society of which he is a reputed member, or proof that he is commissioned to pastoral ministry or holds a local minister's license and is serving as a regularly appointed pastor in his denomination; or (iv) documentation from a medical professional licensed by the Board of Medicine or Board of Nursing or a mental health service provider as defined in § 54.1-2400.1 and has given written notice of termination in accordance with subsection B; or*

4. A court has entered an order convicting a perpetrator of any crime of sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, sexual abuse as defined by § 18.2-67.10, or family abuse as defined by § 16.1-228 against the victim and the victim gives written notice of termination in accordance with subsection B. A victim may exercise a right of termination under this section to terminate a rental agreement in effect when the conviction order is entered and one subsequent rental agreement based upon the same conviction.

B. A tenant who qualifies to terminate such tenant's obligations under a rental agreement pursuant to subsection A shall do so by serving on the landlord a written notice of termination to be effective on a date stated in such written notice, such date to be not less than 30 days after the first date on which the next rental payment is due and payable after the date on which the written notice is given. When the tenant serves the termination notice on the landlord, the tenant shall also provide the landlord with a copy of (i) the order of protection issued or, (ii) the conviction order, or (iii) *any evidence provided pursuant to subdivision A 3.*

C. The rent shall be payable at such time as would otherwise have been required by the terms of the rental agreement through the effective date of the termination as provided in subsection B.

D. The landlord may not charge any liquidated damages.

E. The victim's obligations as a tenant under § 55.1-1227 shall continue through the effective date of the termination as provided in subsection B. Any co-tenants on the lease with the victim shall remain responsible for the rent for the balance of the term of the rental agreement. If the perpetrator is the remaining sole tenant obligated on the rental agreement, the landlord may terminate the rental agreement and collect actual damages for such termination against the perpetrator pursuant to § 55.1-1251.

INTRODUCED

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