1	HOUSE BILL NO. 1635
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the House Committee on General Laws
4	on)
5	(Patron Prior to SubstituteDelegate Bulova)
6	A BILL to amend the Code of Virginia by adding sections numbered 55.1-1234.1 and 55.1-1251.1,
7	relating to the Virginia Residential Landlord and Tenant Act; tenant remedies; uninhabitable
8	dwelling unit.
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9	Be it enacted by the General Assembly of Virginia:
10	1. That the Code of Virginia is amended by adding sections numbered 55.1-1234.1 and 55.1-1251.1
11	as follows:
12	<u>§ 55.1-1234.1. Uninhabitable dwelling unit.</u>
13	If, at the beginning of the tenancy, a condition exists in a rental dwelling unit that constitutes a
14	material noncompliance by the landlord with the rental agreement or with any provision of law that, if not
15	promptly corrected, constitutes a fire hazard or serious threat to the life, health, or safety of tenants or
16	occupants of the premises, including an infestation of rodents or a lack of heat, hot or cold running water,
17	electricity, or adequate sewage disposal facilities, the tenant shall be entitled to terminate the rental
18	agreement and receive a full refund of all money paid to the landlord, so long as the tenant provides the
19	landlord written notice of his intent to terminate the rental agreement within seven days of the date on
20	which possession of the dwelling unit was to have transferred to the tenant. The landlord shall refund all
21	money paid by the tenant to the tenant on or before the seventh day following the day on which the
22	termination notice was delivered to the landlord. If the landlord fails to refund the tenant as required by
23	this section, the tenant shall be entitled to actual damages and reasonable attorney fees.
24	§ 55.1-1251.1. Remedy; tenant's unjustifiable termination due to habitability of dwelling

25 <u>unit.</u>

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26	If a tenant terminates a rental agreement pursuant to § 55.1-1234.1 and the landlord reasonably
27	believes that the dwelling unit was kept in a fit and habitable condition as described in § 55.1-1220 and
28	the tenant was unjustified in his termination of the rental agreement, the landlord may contest such
29	termination before a court of competent jurisdiction if he first provides written notice to the tenant of his
30	refusal to accept the tenant's termination notice and provides the reasons for such refusal. If the court finds
31	in favor of the landlord, the landlord shall be entitled to recover from the tenant damages in accordance
32	with the provisions of subsection H of § 55.1-1245.
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