

HOUSE BILL NO. 2022

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Maldonado)

A BILL to amend and reenact § 55.1-1208 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; rent increase during tenancy; conditions.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 55.1-1208 of the Code of Virginia is amended and reenacted as follows:**

**§ 55.1-1208. Prohibited provisions in rental agreements.**

A. A rental agreement shall not contain provisions that the tenant:

1. Agrees to waive or forgo rights or remedies under this chapter;

2. Agrees to waive or forgo rights or remedies pertaining to the 120-day conversion or rehabilitation notice required in the Virginia Condominium Act (§ 55.1-1900 et seq.) or the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.) or under § 55.1-1410;

3. Authorizes any person to confess judgment on a claim arising out of the rental agreement;

4. Agrees to pay the landlord's attorney fees except as provided in this chapter;

5. Agrees to the exculpation or limitation of any liability of the landlord to the tenant arising under law or to indemnify the landlord for that liability or any associated costs;

6. Agrees as a condition of tenancy in public housing to a prohibition or restriction of any lawful possession of a firearm within individual dwelling units unless required by federal law or regulation;

7. Agrees to the payment of a security deposit, insurance premiums for damage insurance, and insurance premiums for renter's insurance prior to the commencement of the tenancy that exceed the amount of two months' periodic rent; or

8. Agrees to waive remedies or rights under the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 et seq., prior to the occurrence of a dispute between landlord and tenant. Execution of leases shall

27 not be contingent upon the execution of a waiver of rights under the Servicemembers Civil Relief Act;  
28 however, upon the occurrence of any dispute, the landlord and tenant may execute a waiver of such rights  
29 and remedies as to that dispute in order to facilitate a resolution.

30 B. No rental agreement with a lease term of 12 months or less shall contain a provision that the  
31 tenant agrees to pay any increase in rent during the term of a written lease unless such increase is agreed  
32 to in a separate, written document signed by the tenant and the landlord that includes (i) the new amount  
33 of rent to be charged to the tenant, (ii) the date upon which the rent increase becomes effective, and (iii)  
34 any additional terms or benefits to the tenant agreed to as consideration for such increase in rent.

35 C. Any provision prohibited by subsection A or B that is included in a rental agreement is  
36 unenforceable. If a landlord brings an action to enforce any such provision, the tenant may recover actual  
37 damages sustained by him and reasonable attorney fees.

38 **2. That the provisions of this act shall become effective on January 1, 2024, and shall apply to any**  
39 **rental agreement that is entered into or renewed on or after January 1, 2024.**

40 #