

HOUSE BILL NO. 957

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on _____)

(Patron Prior to Substitute--Delegate Lopez)

A BILL to amend the Code of Virginia by adding a section numbered 55.1-1243.2, relating to Virginia Residential Landlord and Tenant Act; tenant's remedies for exclusion from dwelling unit due to condemnation.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 55.1-1243.2 as follows:

§ 55.1-1243.2. Tenant's remedies for exclusion from dwelling unit due to condemnation.

A. If the tenant gave notice to the landlord during the tenancy that his dwelling unit was in violation of an applicable building code, such violation posed a substantial risk to the health, safety, or welfare of a tenant, and such violation resulted in the tenant being excluded from his dwelling unit due to such unit being condemned, the landlord shall be liable to the tenant for actual damages and reasonable attorney fees. The landlord shall also return to the tenant any (i) prepaid rent that had not become due as of the date of condemnation, (ii) security deposit, or (iii) rent paid, if any, to the landlord subsequent to the unit being condemned.

B. No landlord shall be liable pursuant to this section if:

- 1. The condemnation of the dwelling unit was caused by (i) the deliberate or negligent act or omission of the tenant, an authorized occupant, or a guest or invitee of the tenant or (ii) an act of God; or
- 2. The lease was properly terminated pursuant to § 55.1-1240.

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