

HOUSE BILL NO. 993

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology

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

(Patron Prior to Substitute--Delegate Tran)

A BILL to amend and reenact § 55.1-1208 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; prohibited provisions; fees for maintenance and periodic payments.

**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; prohibited fees.**

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

33 C. Unless necessitated by the tenant's violation of a requirement of this chapter, no landlord shall  
34 require a tenant to pay any fee for the maintenance or repair of any dwelling unit.

35 D. No landlord shall require a tenant to pay a fee to submit periodic rent payments or other amounts  
36 due unless the landlord offers an alternative method of payment that does not include additional fees.

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