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HOUSE BILL NO. 160

Offered January 12, 2022

Prefiled January 9, 2022

A *BILL to amend the Code of Virginia by adding sections numbered 36-139.02, 55.1-1209.1, and 55.1-1209.2, relating to the Virginia Residential Landlord and Tenant Act; landlord obligations; tenant safety.*

Patron—Mundon King

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 36-139.02, 55.1-1209.1, and 55.1-1209.2 as follows:

§ 36-139.02. Department to develop form and retain data; landlord obligations related to tenant safety.

A. The Department shall develop and make available on its website a form to be completed by a landlord and submitted quarterly to the Department that certifies that the landlord is in compliance with the requirements of §§ 55.1-1209.1 and 55.1-1209.2 regarding criminal history records checks for all employees and required tracking of the keys for each rental dwelling unit. Such form may be updated by the Department as needed. A landlord shall provide with the form sufficient documentation to demonstrate compliance, including (i) copies of employee criminal history records, (ii) relevant portions of employee personnel files, (iii) a copy of the current policies and procedures for the storage and management of, access to, and return of all dwelling unit keys, and (iv) a copy of the accounting log or data showing when and to whom each dwelling unit key was issued. The Department shall retain all completed forms and accompanying documentation in a secure electronic database.

B. For the purposes of this section, "landlord" refers to a landlord, as defined in § 55.1-1200, who owns more than four rental dwelling units, or more than a 10 percent interest in more than four dwelling units.

§ 55.1-1209.1. Landlord's employees; criminal history records check; employment disqualification.

A. A landlord who owns more than four rental dwelling units, or more than a 10 percent interest in more than four rental dwelling units, shall require, as a condition of initial and continued employment, all employees and applicants for employment to submit to fingerprinting and provide personal descriptive information to be forwarded along with the employee's or applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee or applicant.

B. A landlord who is subject to the provisions of subsection A may disqualify a person from employment if such person has been convicted of or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a violent crime, as described in § 17.1-805 or 19.2-297.1, committed in any jurisdiction.

C. All landlords subject to the provisions of this section shall, using a form created by the Department of Housing and Community Development, submit on a quarterly basis to the Department of Housing and Community Development proof of compliance with this section, which may include a copy of employee criminal history records and relevant portions of employee personnel files.

§ 55.1-1209.2. Access to and tracking of rental dwelling unit keys and key codes.

A. A landlord who is subject to the provisions of § 55.1-1209.1 shall (i) establish written policies and procedures for the storage and management of, access to, and return of all keys for each rental dwelling unit; (ii) regulate the secure storage of and access to unissued keys; and (iii) maintain a written log for the issuance and return of all keys. For purposes of this section, "key" means any physical or electronic mechanism used to gain access to a rental dwelling unit. If an alphabetical or numerical key code is used to gain access to a rental dwelling unit, a landlord shall establish a process that, in addition to other requirements in this subsection, allows for the provision of a single use code to any employee who needs to gain access to a rental dwelling in the performance of his duties and in accordance with the provisions of this chapter. A landlord shall take steps to ensure any used key code is deactivated after such usage.

B. Any landlord subject to the provisions of this section shall, using a form created by the Department of Housing and Community Development, submit on a quarterly basis proof of compliance with this section and shall attach a copy of such landlord's most up-to-date written policies and procedures governing the access and usage of all rental dwelling unit keys and key codes and the

59 *written log detailing the issuance and return of all keys for the most recent quarter.*

60 **2. That the Department of Housing and Community Development shall develop and make**
61 **available the form required by subsection A of § 36-139.02 of the Code of Virginia, as created by**
62 **this act, on or before January 1, 2023.**