

## 2022 SESSION

### HOUSE SUBSTITUTE

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#### HOUSE BILL NO. 802

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on February 8, 2022)

(Patron Prior to Substitute—Delegate Price)

A BILL to amend and reenact § 55.1-1259 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; enforcement by localities.

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1259 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1259. Actions to enforce chapter.

A. In addition to any other remedies in this chapter, any person adversely affected by an act or omission prohibited under this chapter may institute an action for injunction and damages against the person responsible for such act or omission in the circuit court in the county or city in which such act or omission occurred. If the court finds that the defendant was responsible for such act or omission, it shall enjoin the defendant from continuance of such practice, and in its discretion award the plaintiff damages as provided in this section.

B. If a condition exists in a rental dwelling unit that constitutes a material noncompliance by the landlord with the rental agreement or with any provision of law that, if not promptly corrected, constitutes a fire hazard or serious threat to the life, health, or safety of tenants or occupants of the premises, including infestation of rodents or a lack of heat, hot or cold running water, electricity, or adequate sewage disposal facilities, a locality may bring an action to enforce the landlord's duty to maintain the rental dwelling unit in a fit and habitable condition, provided that:

1. The property where the violations occurred is within the jurisdictional boundaries of the locality;

2. The locality has notified the landlord who owns the property directly or through the managing agent of the nature of the violations and the landlord has not remedied the violations within a reasonable time after receiving such notice to the satisfaction of the locality; and

3. Such enforcement action may include seeking an injunction, damages, or both.

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