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HOUSE BILL NO. 909

Offered January 12, 2022

Prefiled January 12, 2022

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 12 of Title 55.1 a section numbered 55.1-1213.1, relating to the Virginia Residential Landlord and Tenant Act; prohibited discrimination; national origin.*

Patron—Lopez

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 12 of Title 55.1 a section numbered 55.1-1213.1 as follows:

§ 55.1-1213.1. Prohibited discrimination.

A. Pursuant to § 36-96.3, no landlord shall discriminate against any person in the terms, conditions, or privileges with respect to the rental of a dwelling unit, or in the provision of services or facilities in the connection therewith, to any person because of such person's national origin. For the purposes of this section, discrimination on the basis of a person's national origin includes unlawfully terminating the rental agreement and proceeding to obtain possession of the premises.

B. If the landlord acts in violation of this section, the tenant is entitled to the applicable remedies pursuant to this chapter and the Virginia Fair Housing Law (§ 36-96.1 et seq.), including recovery of actual damages, and may assert such discrimination as a defense in any action against him for possession. The tenant shall bear the burden of proving the alleged discrimination.

C. Notwithstanding subsections A and B, a landlord may terminate the rental agreement pursuant to § 55.1-1253 or 55.1-1410 and bring an action for possession if:

1. Violation of the applicable building or housing code was primarily by lack of reasonable care by the tenant, an authorized occupant, or a guest or invitee of the tenant;

2. The tenant is in default in rent;

3. Compliance with the applicable building or housing code requires alteration, remodeling, or demolition that would effectively deprive the tenant of use of the dwelling unit; or

4. The tenant is in default of a provision of the rental agreement materially affecting the health and safety of himself or others. The maintenance of the action provided in this section does not release the landlord from liability under § 55.1-1226.

D. The landlord may also terminate the rental agreement pursuant to § 55.1-1253 or 55.1-1410 for any other reason not prohibited by law unless the court finds that the reason for the termination was discriminatory.

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