

2001 SESSION

INTRODUCED

010667772

HOUSE BILL NO. 1883

Offered January 10, 2001

Prefiled January 5, 2001

A BILL to amend and reenact §§ 55-248.34 and 55-248.46 of the Code of Virginia, relating to termination of tenancy under the Virginia Residential Landlord and Tenant Act and the Manufactured Home Lot Rental Act.

Patron—Howell

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-248.34 and 55-248.46 of the Code of Virginia are amended and reenacted, as follows:

§ 55-248.34. Waiver of landlord's right to terminate.

Unless the landlord accepts the rent with reservation, and gives a written notice to the tenant of such acceptance *within five days of receipt of the rent*, acceptance of periodic rent payments with knowledge in fact of a material noncompliance by the tenant shall constitute a waiver of the landlord's right to terminate the rental agreement. Except as provided in § 55-243, if the landlord has given the tenant written notice that the rent payments have been accepted with reservation, the landlord may accept full payment of all rent payments and still be entitled to receive an order of possession terminating the rental agreement.

§ 55-248.46. Termination of tenancy.

A. Either party may terminate a rental agreement which is for a term of sixty days or more by giving written notice to the other at least sixty days prior to the termination date; however, the rental agreement may require a longer period of notice. *Notwithstanding the provisions of this section, if either (i) the landlord is affiliated with the seller of the home to the tenant, or (ii) the tenant meets the definition of familial status, pursuant to § 36-96.1:1., the rental agreement shall not terminate upon written notice to the tenant absent good cause shown.* A landlord may not cause the eviction of a tenant by willfully interrupting gas, electricity, water or any other essential service, or by removal of the manufactured home from the manufactured home lot, or by any other willful self-help measure.

B. If the termination is due to rehabilitation or a change in the use of all or any part of a manufactured home park by the landlord, a 120-day written notice is required to terminate a rental agreement. Changes shall include, but not be limited to, conversion to hotel, motel, or other commercial use; planned unit development; rehabilitation; demolition; or sale to a contract purchaser. This 120-day notice requirement shall not be waived; however, a period of less than 120 days may be agreed upon by both the landlord and tenant in a written agreement separate from the rental agreement or lease executed after such notice is given and applicable only to the 120-day notice period.

INTRODUCED

HB1883