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HOUSE BILL NO. 1883

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on January 24, 2001)

(Patron Prior to Substitute—Delegate Howell)

A BILL to amend and reenact §§ 55-248.34, 55-248.46, and 55-248.48 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55-248.46:1, relating to termination of tenancy under the Virginia Residential Landlord and Tenant Act and the Manufactured Home Lot Rental Act.

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-248.34, 55-248.46, and 55-248.48 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 55-248.46:1 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 business 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, where a landlord and seller of a manufactured home have in common (i) one or more owners, (ii) immediate family members, or (iii) officers or directors, the rental agreement shall be renewed except for reasons that would justify a termination of the rental agreement or eviction by the landlord as authorized by this chapter.* 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.

§ 55-248.46:1. 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 business 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.

§ 55-248.48. Other provisions of law applicable.

Sections 55-248.6, 55-248.8, 55-248.9, 55-248.12, 55-248.14, 55-248.15:1, 55-248.17, 55-248.21 through 55-248.33, 55-248.35, 55-248.36, and 55-248.40 of the Virginia Residential Landlord and Tenant Act shall, insofar as they are not inconsistent with this chapter, apply, mutatis mutandis, to the rental and occupancy of a manufactured home lot.