

2001 SESSION

INTRODUCED

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HOUSE BILL NO. 2141

Offered January 10, 2001

Prefiled January 10, 2001

A BILL to amend and reenact § 8.01-156 of the Code of Virginia, relating to authority of sheriffs and landlords to store and sell personal property removed from premises.

Patrons—Drake and Williams

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-156 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-156. Authority of sheriffs, etc., to store and sell personal property removed from premises; recovery of possession by owner; disposition or sale.

In any county or city, when personal property is removed from premises pursuant to an action of unlawful detainer or ejectment, or pursuant to any other action in which personal property is removed from premises in order to restore such premises to the person entitled thereto, the sheriff shall cause such personal property to be placed in a storage area designated by the governing body of the county or city if such an area has been so designated. *If no such area has been designated, the sheriff may, after removing any contraband, cause the property to be moved to curbside or allow the property to remain on the premises. The landlord shall be responsible for removal of such property from the curbside no sooner than twenty-four hours but no more than forty-eight hours after it is placed there. The landlord shall provide notice to the tenant ten days prior to the date set for eviction that the landlord may dispose of any unclaimed property remaining on the premises on eviction day and that such disposal could mean removal to a storage area, removal to curbside, sale, or discarding the property. If the landlord fails to provide such notice, he may not dispose of the unclaimed property until at least ten days have expired following the eviction. If the landlord sells any unclaimed property, the tenant shall be entitled to the amount received or credit for the sale thereof applied to unpaid rent or damages suffered by the landlord, as appropriate.*

In the case of a manufactured home and with the consent of the lot owner, *the sheriff shall cause it to be placed* upon the manufactured home lot, unless the owner of such personal property then and there removes it from the public way.

The owner, before obtaining possession of such personal property so placed in a storage area by the sheriff, shall pay to the parties entitled thereto the reasonable and necessary costs incidental to such removal and storage. Should such owner fail or refuse to pay such costs within thirty days from the date of placing the property in storage, the sheriff shall, after due notice to the owner and holders of liens of record, dispose of the property by publicly advertised public sale. The proceeds from such sale shall be used to pay all costs of removal, storage, and sale, all fees and liens, and the balance of such funds shall be paid to the person entitled thereto. Should the cost of removal and storage exceed the proceeds realized from such sale the county or city shall reimburse the sheriff for such excess.

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