

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 761

An Act to amend and reenact § 55-248.33 of the Code of Virginia, relating to the Virginia Residential Landlord Tenant Act; abandonment.

[H 245]

Approved April 7, 2002

Be it enacted by the General Assembly of Virginia:

1. That § 55-248.33 of the Code of Virginia is amended and reenacted as follows:

§ 55-248.33. Remedies for absence, nonuse and abandonment.

If the rental agreement requires the tenant to give notice to the landlord of an anticipated extended absence in excess of seven days and the tenant fails to do so, the landlord may recover actual damages from the tenant. During any absence of the tenant in excess of seven days, the landlord may enter the dwelling unit at times reasonably necessary to protect his possessions and property. ~~If the landlord rents an abandoned dwelling unit for a term beginning prior to the expiration of the rental agreement, it is deemed to be terminated as of the date the new tenancy begins. The rental agreement is deemed to be terminated by the landlord as of the date the landlord has notice of the abandonment if the landlord elects to accept the abandonment as a surrender. If the tenancy is from month to month or week to week, the term of the rental agreement for this purpose is deemed to be a month or week, as the case may be by the tenant. If the landlord cannot determine whether the premises have been abandoned by the tenant, the landlord shall serve written notice on the tenant in accordance with § 55-248.6 requiring the tenant to give written notice to the landlord within seven days that the tenant intends to remain in occupancy of the premises. If the tenant gives such written notice to the landlord, or if the landlord otherwise determines that the tenant remains in occupancy of the premises, the landlord shall not treat the premises as having been abandoned. Unless the landlord receives written notice from the tenant or otherwise determines that the tenant remains in occupancy of the premises, upon the expiration of seven days from the date of the landlord's notice to the tenant, there shall be rebuttable presumption that the premises have been abandoned by the tenant and the rental agreement shall be deemed to terminate on that date. The landlord shall mitigate damages in accordance with § 55-248.35.~~