

# VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

## CHAPTER 426

*An Act to amend and reenact § 55-248.9:1 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; confidentiality of tenant records.*

[H 2341]

Approved March 16, 2003

**Be it enacted by the General Assembly of Virginia:**

**1. That § 55-248.9:1 of the Code of Virginia is amended and reenacted as follows:**

§ 55-248.9:1. Confidentiality of tenant records.

No landlord or managing agent shall release ~~financial~~ information about a tenant or prospective tenant; other than a tenant's rent payment record and the amount of the tenant's periodic rental payment, to a third party without the prior written consent of the tenant or prospective tenant. However, a contract purchaser of property subject to a rental agreement may inspect all information pertaining to tenants or prospective tenants in the possession of the landlord without the necessity of obtaining a tenant's consent.

In all other circumstances, all information in the possession of the landlord pertaining to tenants or prospective tenants shall be deemed confidential and made available only with a tenant's or prospective tenant's prior written consent or upon service on the landlord of a subpoena for the production of records. Nothing in this section, however, shall preclude a landlord from releasing information pertaining to a tenant or prospective tenant in the event of an emergency.

This section shall not apply where the tenant is in default of the payment provisions of the rental agreement in the possession of the landlord to a third party unless:

1. The tenant or prospective tenant has given prior written consent;
2. The information is a matter of public record as defined in § 2.2-3701;
3. The information is a summary of the tenant's rent payment record, including the amount of the tenant's periodic rent payment;
4. The information is a copy of a material noncompliance notice that has not been remedied or, termination notice given to the tenant under § 55-248.31 and the tenant did not remain in the premises thereafter;
5. The information is requested by a local, state, or federal law-enforcement or public safety official in the performance of his duties; or
6. The information is otherwise provided in the case of an emergency.