

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 905

An Act to amend and reenact § 55-248.9 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; bonds in lieu of security deposits.

[H 2344]

Approved March 22, 2003

Be it enacted by the General Assembly of Virginia:

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

- § 55-248.9. Prohibited provisions in rental agreements.
- A. A rental agreement shall not contain provisions that the tenant:
1. Agrees to waive or forego rights or remedies under this chapter;
 2. Agrees to waive or forego rights or remedies pertaining to the 120-day conversion or rehabilitation notice required in the Condominium Act (§ 55-79.39 et seq.), the Virginia Real Estate Cooperative Act (§ 55-424 et seq.) or Chapter 13 (§ 55-217 et seq.) of this title;
 3. Authorizes any person to confess judgment on a claim arising out of the rental agreement;
 4. Agrees to pay the landlord's attorney's fees except as provided in this chapter;
 5. Agrees to the exculpation or limitation of any liability of the landlord to the tenant arising under law or to indemnify the landlord for that liability or the costs connected therewith;
 6. Agrees as a condition of tenancy in public housing to a prohibition or restriction of any lawful possession of a firearm within individual dwelling units unless required by federal law or regulation; or
 7. Agrees to both the payment of a security deposit and the provision of a bond or commercial insurance policy purchased by the tenant to secure the performance of the terms and conditions of a rental agreement, *if the total of the security deposit and the bond or insurance premium exceeds the amount of two months' periodic rent.*
- B. A provision prohibited by subsection A included in a rental agreement is unenforceable. If a landlord brings an action to enforce any of the prohibited provisions, the tenant may recover actual damages sustained by him and reasonable attorney's fees.