

2005 SESSION

HOUSE SUBSTITUTE

053690520

HOUSE BILL NO. 2449

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on February 3, 2005)

(Patron Prior to Substitute—Delegate Suit)

A BILL to amend and reenact § 55-248.46 of the Code of Virginia, relating to termination of tenancy; manufactured home park.

Be it enacted by the General Assembly of Virginia:

1. That § 55-248.46 of the Code of Virginia is amended and reenacted as follows:

§ 55-248.46. Termination of tenancy.

A. Either party may terminate a rental agreement which is for a term of ~~sixty~~ 60 days or more by giving written notice to the other at least ~~sixty~~ 60 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 ~~120-180~~ 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 ~~120/180~~-day notice requirement shall not be waived; however, a period of less than ~~120~~ 180 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 ~~120/180~~-day notice period.

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