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SENATE BILL NO. 968

Offered January 12, 2005

Prefiled January 11, 2005

A BILL to amend and reenact § 55-248.21:1 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; early termination of rental agreement by military personnel.

 Patron—O'Brien

 Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 55-248.21:1 of the Code of Virginia is amended and reenacted as follows:**

§ 55-248.21:1. Early termination of rental agreement by military personnel.

A. Any member of the armed forces of the United States or a member of the Virginia National Guard serving on full-time duty or as a Civil Service technician with a National Guard unit may, through the procedure detailed in subsection B, terminate his rental agreement if the member (i) has received permanent change of station orders to depart ~~thirty-five~~ 35 miles or more (radius) from the location of the dwelling unit; (ii) has received temporary duty orders in excess of three months' duration to depart ~~thirty-five~~ 35 miles or more (radius) from the location of the dwelling unit; (iii) is discharged or released from active duty with the armed forces of the United States or from his full-time duty or technician status with the Virginia National Guard; or (iv) is ordered to report to government-supplied quarters resulting in the forfeiture of basic allowance for quarters.

B. Tenants who qualify to terminate a rental agreement pursuant to subsection A shall do so by serving on the landlord a written notice of termination to be effective on a date stated therein, said date to be not less than ~~thirty~~ 30 days after receipt of the notice. The termination date shall be no more than ~~sixty~~ 60 days prior to the date of departure necessary to comply with the official orders or any supplemental instructions for interim training or duty prior to the transfer. Prior to the termination date, the tenant shall furnish the landlord with a copy of the official notification of the orders or a signed letter, confirming the orders, from the tenant's commanding officer.

The final rent shall be prorated to the date of termination and shall be payable at such time as would have otherwise been required by the terms of the rental agreement, together with any liquidated damages due pursuant to subsection C.

C. If the tenant has resided in the property for at least ~~twelve~~ 12 months *or if the tenant is a member of the armed forces of the United States or the Virginia National Guard who is called to active federal military duty in a foreign zone of active military conflict*, no liquidated damages may be charged by the landlord. In consideration of early termination of the rental agreement where the tenant has resided in the property for less than ~~twelve~~ 12 months, the landlord may require that the tenant pay to the landlord liquidated damages in an amount no greater than:

1. One month's rent if the tenant has completed less than six months of the tenancy as of the effective date of termination, or

2. One-half of one month's rent if the tenant has completed at least six but less than ~~twelve~~ 12 months of the tenancy as of the effective date of termination.

D. Nothing in this section shall affect the tenant's obligations established by § 55-248.16.

E. The exemption provided in subdivision 10 of subsection A of § 55-248.5 shall not apply to this section.

INTRODUCED

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