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**HOUSE BILL NO. 244**

Offered January 11, 2006

Prefiled January 4, 2006

*A BILL to amend and reenact § 55-237.1 of the Code of Virginia, relating to sheriff's authority to store or sell property removed from leased or rented premises.*

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Patron—Shannon

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 55-237.1 of the Code of Virginia is amended and reenacted as follows:**

§ 55-237.1. Authority of sheriffs to store and sell personal property removed from premises; recovery of possession by owner; disposition or sale.

Notwithstanding the provisions of § 8.01-156, when personal property is removed from a *any leased or rented commercial or residential* premises pursuant to an action of unlawful detainer or ejectment, or pursuant to any other action in which personal property is removed from the premises in order to restore such premises to the person entitled thereto, the sheriff shall cause such personal property to be placed into the public way. The tenant shall have the right to remove his personal property from the public way during the ~~twenty-four~~ 24-hour period after eviction. Upon the expiration of the ~~twenty-four~~ 24-hour period after eviction, the landlord shall remove, or dispose of, any such personal property remaining in the public way.

At the landlord's request, the sheriff shall cause such personal property to be placed into a storage area designated by the landlord, which may be the ~~dwelling unit~~ *leased or rented premises*. The tenant shall have the right to remove his personal property from the landlord's designated storage area at reasonable times during the ~~twenty-four~~ 24 hours after eviction from the premises or at such other reasonable times until the landlord has disposed of the property as provided herein. During that ~~twenty-four~~ 24-hour period and until the landlord disposes of the remaining personal property of the tenant, the landlord and the sheriff shall not have any liability for the loss of such personal property. If the landlord fails to allow reasonable access to the tenant to remove his personal property as provided herein, the tenant shall have a right to injunctive relief and such other relief as may be provided by law.

Any property remaining in the landlord's storage area upon the expiration of the ~~twenty-four~~ 24-hour period after eviction may be disposed of by the landlord as the landlord sees fit or appropriate. If the landlord receives any funds from any sale of such remaining property, the landlord shall pay such funds to the account of the tenant and apply same to any amounts due the landlord by the tenant, including the reasonable costs incurred by the landlord in the eviction process described in this section or the reasonable costs incurred by the landlord in selling or storing such property. If any funds are remaining after application, the remaining funds shall be treated as security deposit under applicable law.

The notice posted by the sheriff setting the date and time of the eviction, pursuant to § 8.01-470, shall provide notice to the tenant of the rights afforded to tenants in this section and shall include in the ~~said~~ notice a copy of this statute attached to, or made a part of, this notice.

INTRODUCED

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