

068013204

**HOUSE BILL NO. 907**

Offered January 11, 2006

Prefiled January 10, 2006

A *BILL to amend and reenact §§ 8.01-471, 55-248.9:1, 55-248.15:2, and 55-248.34:1 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; confidentiality of tenant records; interest on security deposits.*

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Referred to Committee on General Laws

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

**1. That §§ 8.01-471, 55-248.9:1, 55-248.15:2, and 55-248.34:1 of the Code of Virginia are amended and reenacted as follows:**

§ 8.01-471. Time period for issuing writs of possession in unlawful entry and detainer; when returnable.

Writs of possession, in case of unlawful entry and detainer, shall be issued within one year from the date of judgment for possession and shall be made returnable within 30 days from the date of issuing the writ. No writ shall issue, however, *in cases under the Virginia Residential Landlord and Tenant Act* (§ 55-248.2 *et seq.*) if, following the entry of judgment, the landlord has accepted rent payments without reservation, as described in § 55-248.34:1.

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

No landlord or managing agent shall release information about a tenant or prospective tenant 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 requested pursuant to a subpoena in a civil case;*

7. *The information is requested by a contract purchaser of the landlord's property; or*

8. The information is otherwise provided in the case of an emergency.

§ 55-248.15:2. Schedule of interest rates on security deposits.

A. The interest rate established by § 55-248.15:1 varies annually with the annual rate being equal to one percentage point below the Federal Reserve Board discount rate as of January 1 of each year. The purpose of this section is to set out the interest rates applicable under this chapter.

B. The rates are as follows:

1. July 1, 1975, through December 31, 1979, 3.0%.

2. January 1, 1980, through December 31, 1981, 4.0%.

3. January 1, 1982, through December 31, 1984, 4.5%.

4. January 1, 1985, through December 31, 1994, 5.0%.

5. January 1, 1995, through December 31, 1995, 4.75%.

6. January 1, 1996, through December 31, 1996, 5.25%.

7. January 1, 1997, through December 31, 1998, 5.0%.

8. January 1, 1999, through June 30, 1999, 4.5%.

9. July 1, 1999, through December 31, 1999, 3.5%.

10. January 1, 2000, through December 31, 2000, 4.0%.

11. January 1, 2001, through December 31, 2001, 5.0%.

12. January 1, 2002, through December 31, 2002, 0.25%.

13. January 1, 2003, through December 31, 2003, 0%.

14. *January 1, 2004 through December 31, 2004, 1%.*

15. *January 1, 2005 through December 31, 2005, 2.25%.*

16. *January 1, 2006 through December 31, 2006, 2.25%.*

Thereafter, the interest rate shall be determined in accordance with subsection B of § 55-248.15:1.

§ 55-248.34:1. Landlord's acceptance of rent with reservation.

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59 A. Provided the landlord has given written notice to the tenant that the rent will be accepted with  
60 reservation, the landlord may accept full payment of all rent and receive an order of possession from a  
61 court of competent jurisdiction pursuant to an unlawful detainer action filed under Chapter 13  
62 (§ 8.01-374 et seq.) of Title 8.01. Such notice shall be included in a termination notice given by the  
63 landlord to the tenant in accordance with § 55-248.31 or in a separate written notice given by the  
64 landlord to the tenant within five business days of receipt of the rent. The landlord shall continue to  
65 accept the rent with reservation in accordance with this section until such time as the violation alleged  
66 in the termination notice has been remedied or the matter has been adjudicated in a court of competent  
67 jurisdiction.

68 B. Subsequent to the entry of an order of possession by a court of competent jurisdiction but prior to  
69 eviction pursuant to § 55-248.38:2, the landlord may accept full payment of any money judgment, award  
70 of attorneys' fees and court costs, and proceed with eviction provided that the landlord has given the  
71 tenant written notice that any such payment would be accepted with reservation and would not constitute  
72 a waiver of the landlord's right to evict the tenant from the dwelling unit. Such notice shall be given in  
73 a separate written notice given by the landlord within five business days of receipt of *payment* of such  
74 money judgment, attorneys' fees and court costs.

75 C. However, the tenant may pay all rent, late charges, attorneys' fees and court costs at or before the  
76 first return date on an action for unlawful detainer, provided the tenant does not invoke such right more  
77 than once in a continuous 12-month period in accordance with § 55-243.