

072207302

HOUSE BILL NO. 1733

Offered January 10, 2007

Prefiled December 22, 2006

A BILL to amend and reenact § 55-248.9 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55-218.2, relating to right of residential tenant in detached single family dwelling to display campaign signs.

Patrons—Fralin, Athey, Crockett-Stark, Gear, Jones, S.C., Landes and O'Bannon

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 55-248.9 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55-218.2 as follows:

§ 55-218.2. Right of residential tenant in detached single family dwelling to display campaign signs.

Any residential tenant occupying a detached single family dwelling may display on the rental premises campaign signs advocating (i) the support or defeat of any question submitted to voters in accordance with Title 24.2, or (ii) the election of a candidate for public office or a slate of candidates for public office.

§ 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.

8. In the case of a detached single family residence, agrees to waive the right to display campaign signs under § 55-218.2.

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.

INTRODUCED

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