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HOUSE BILL NO. 1816

Offered January 10, 2007

Prefiled January 3, 2007

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 leases by military personnel.

Patrons—Suit, Athey, Cole, Cosgrove and Iaquinto

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 National Guard serving on full-time duty or as a Civil Service technician with the National Guard 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 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 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 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, such date to be not less than 30 days after the first date on which the next rental payment is due and payable after the date on which the written notice is given. The termination date shall be no more than 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.~~

The landlord may not charge any liquidated damages.

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

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

INTRODUCED

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