

2007 SESSION

INTRODUCED

070821326

HOUSE BILL NO. 2244

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact § 8.01-126 of the Code of Virginia, relating to unlawful detainer actions; bad faith by tenant.

Patron—Howell, A.T.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-126 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-126. Summons for unlawful detainer issued by magistrate, clerk or judge of a general district court.

In any case when possession of any house, land or tenement is unlawfully detained by the person in possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may present to a magistrate, clerk or judge of a general district court a statement under oath of the facts which authorize the removal of the tenant or other person in possession, describing such premises; and thereupon such magistrate, clerk or judge of a general district court shall issue his summons against the person or persons named in such affidavit. The process issued upon any such summons issued by a magistrate, clerk or judge may be served as provided in §§ 8.01-293 and 8.01-296 or § 8.01-299. When issued by a magistrate it may be returned to and the case heard and determined by the judge of a general district court. If the summons for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord Tenant Act (§ 55-248.2 et seq.), the initial hearing on such summons shall occur as soon as practicable, but not more than twenty-one days from the date of filing, *or within ten days from the date of filing where the plaintiff makes a preliminary showing of bad faith by the tenant.* If the case cannot be heard within twenty-one days *or ten days, as appropriate,* from the date of filing, the initial hearing shall be held as soon as practicable. If the plaintiff requests that the initial hearing be set on a date later than twenty-one days from the date of filing, the initial hearing shall be set on a date the plaintiff is available that is also available for the court. Such summons shall be served at least ten days before the return day thereof.

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HB2244