

# 2009 SESSION

INTRODUCED

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## HOUSE BILL NO. 2124

Offered January 14, 2009

Prefiled January 13, 2009

*A BILL to amend and reenact § 55-248.21:1 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; early termination of rental agreement with military personnel.*

Patrons—Byron; Senator: Hurt

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 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.

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