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HOUSE BILL NO. 1768

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on January 20, 2011)

(Patron Prior to Substitute—Delegate Shuler)

A BILL to amend and reenact §§ 55-225.9 and 55-248.18:2 of the Code of Virginia, relating to mold remediation; mold in dwelling units.

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-225.9 and 55-248.18:2 of the Code of Virginia are amended and reenacted as follows:

§ 55-225.9. Relocation of tenant where mold remediation needs to be performed in the dwelling unit.

Where a mold condition in a dwelling unit materially affects the health or safety of any tenant or authorized occupant, the landlord may require the tenant to temporarily vacate the dwelling unit in order for the landlord to perform mold remediation in accordance with professional standards as defined in § 55-225.8 for a period not to exceed 30 days. The landlord shall provide the tenant with either ~~(a)~~ (i) a comparable dwelling unit, as selected by the landlord, at no expense or cost to the tenant, or ~~(b)~~ (ii) a hotel room, as selected by the landlord, at no expense or cost to the tenant. The tenant shall continue to be responsible for payment of rent under the rental agreement during the period of any temporary relocation *and for the remainder of the term of the rental agreement following the remediation. Nothing in this section shall be construed by a court of law or otherwise as entitling the tenant to a termination of a tenancy where the landlord has remediated a mold condition in accordance with professional standards as defined in § 55-225.8.* The landlord shall pay all costs of the mold remediation, unless the tenant is at fault for the mold condition.

§ 55-248.18:2. Relocation of tenant where mold remediation needs to be performed in the dwelling unit.

Where a mold condition in the dwelling unit materially affects the health or safety of any tenant or authorized occupant, the landlord may require the tenant to temporarily vacate the dwelling unit in order for the landlord to perform mold remediation in accordance with professional standards as defined in § 55-248.4 for a period not to exceed 30 days. The landlord shall provide the tenant with either ~~(a)~~ (i) a comparable dwelling unit, as selected by the landlord, at no expense or cost to the tenant, or ~~(b)~~ (ii) a hotel room, at no expense or cost to the tenant. The tenant shall continue to be responsible for payment of rent under the rental agreement during the period of any temporary relocation *and for the remainder of the term of the rental agreement following the remediation. Nothing in this section shall be construed by a court of law or otherwise as entitling the tenant to a termination of a tenancy where the landlord has remediated a mold condition in accordance with professional standards as defined in § 55-248.4.* The landlord shall pay all costs of the mold remediation, unless the mold is a result of the tenant's failure to comply with § 55-248.16.

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