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HOUSE BILL NO. 1425

Offered January 9, 2013

Prefiled December 19, 2012

A BILL to amend and reenact §§ 55-225.2, 55-248.26, and 55-248.40 of the Code of Virginia, relating to tenant's remedies; general district court.

Patron—Greason

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-225.2, 55-248.26, and 55-248.40 of the Code of Virginia are amended and reenacted as follows:

§ 55-225.2. Remedies for landlord's unlawful ouster, exclusion or diminution of service.

If a landlord unlawfully removes or excludes a tenant from residential premises or willfully diminishes services to a residential tenant by interrupting or causing the interruption of gas, water, or other essential service to the tenant, the tenant may *obtain an order from a general district court to recover possession and obtain an order requiring, require the resumption of any such interrupted utility service, or terminate the rental agreement and, in either any case, recover the actual damages sustained by him and reasonable attorney's attorney fees.* If the rental agreement is terminated pursuant to this section, the landlord shall return all security given by such tenant.

§ 55-248.26. Tenant's remedies for landlord's unlawful ouster, exclusion or diminution of service.

If the landlord unlawfully removes or excludes the tenant from the premises or willfully diminishes services to the tenant by interrupting or causing the interruption of gas, water, or other essential service to the tenant, the tenant may *obtain an order from a general district court to recover possession, require the resumption of any such interrupted utility service, or terminate the rental agreement and, in either any case, recover the actual damages sustained by him and a reasonable attorney's attorney fee.* If the rental agreement is terminated the landlord shall return all of the security deposit in accordance with § 55-248.15:1.

§ 55-248.40. Actions to enforce chapter.

~~Any~~ *In addition to any other remedies in this chapter, any person adversely affected by an act or omission prohibited under this chapter may institute an action for injunction and damages against the person responsible for such act or omission in the circuit court in the county or city in which such act or omission occurred. If the court finds that the defendant was responsible for such act or omission, it shall enjoin the defendant from continuance of such practice, and in its discretion award the plaintiff damages as herein provided.*

INTRODUCED

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