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HOUSE BILL NO. 1593

Offered January 9, 2013

Prefiled January 5, 2013

A *BILL to amend the Code of Virginia by adding sections numbered 55-225.16, 55-248.12:3, and 55-519.3, relating to landlord and tenant laws; Virginia Residential Property Disclosure Act; disclosure of methamphetamine laboratory; remedy for nondisclosure.*

Patron—Bulova

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 55-225.16, 55-248.12:3, and 55-519.3 as follows:

§ 55-225.16. Required disclosures for property previously used as a clandestine methamphetamine laboratory; remedy for nondisclosure.

A. If the landlord of a residential dwelling unit has actual knowledge that the dwelling unit was previously used as a clandestine methamphetamine laboratory and has not been cleaned up in accordance with the guidelines established pursuant to § 32.1-11.7, the landlord shall provide to a prospective tenant a written disclosure that so states. Such disclosure shall be provided prior to the execution by the tenant of a written lease agreement or, in the case of an oral lease agreement, prior to occupancy by the tenant. For purposes of this section, "clandestine methamphetamine laboratory" means the same as that term is defined in the Department of Health guidelines established pursuant to § 32.1-11.7.

B. Any tenant who is not provided the disclosure required by subsection A may terminate the lease agreement at any time within 60 days of discovery that the property was previously used as a clandestine methamphetamine laboratory and has not been cleaned up in accordance with the guidelines established pursuant to § 32.1-11.7 by providing written notice to the landlord in accordance with the lease or as required by law. Such termination shall be effective as of (i) 15 days after the date of the mailing of the notice or (ii) the date through which rent has been paid, whichever is later. In no event, however, shall the effective date of the termination exceed one month from the date of mailing. Termination of the lease agreement shall be the exclusive remedy for the failure to comply with the disclosure provisions required by this section and shall not affect any rights or duties of the landlord or tenant arising under this chapter, other applicable law, or the rental agreement.

§ 55-248.12:3. Required disclosures for property previously used as a clandestine methamphetamine laboratory; remedy for nondisclosure.

A. If the landlord of a residential dwelling unit has actual knowledge that the dwelling unit was previously used as a clandestine methamphetamine laboratory and has not been cleaned up in accordance with the guidelines established pursuant to § 32.1-11.7, the landlord shall provide to a prospective tenant a written disclosure that so states. Such disclosure shall be provided prior to the execution by the tenant of a written lease agreement or, in the case of an oral lease agreement, prior to occupancy by the tenant. For purposes of this section, "clandestine methamphetamine laboratory" means the same as that term is defined in the Department of Health guidelines established pursuant to § 32.1-11.7.

B. Any tenant who is not provided the disclosure required by subsection A may terminate the lease agreement at any time within 60 days of discovery that the property was previously used as a clandestine methamphetamine laboratory and has not been cleaned up in accordance with the guidelines established pursuant to § 32.1-11.7 by providing written notice to the landlord in accordance with the lease or as required by law. Such termination shall be effective as of (i) 15 days after the date of the mailing of the notice or (ii) the date through which rent has been paid, whichever is later. In no event, however, shall the effective date of the termination exceed one month from the date of mailing. Termination of the lease agreement shall be the exclusive remedy for the failure to comply with the disclosure provisions required by this section and shall not affect any rights or duties of the landlord or tenant arising under this chapter, other applicable law, or the rental agreement.

§ 55-519.3. Required disclosures; previous clandestine methamphetamine laboratory.

Notwithstanding the exemptions in § 55-518, if the owner of a residential dwelling unit has actual knowledge that such residential property was previously used as a clandestine methamphetamine laboratory and has not been cleaned up in accordance with the guidelines established pursuant to § 32.1-11.7, the owner shall provide to a prospective purchaser a written disclosure that so states. Such

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59 *disclosure shall be provided to the purchaser on a form provided by the Virginia Real Estate Board and*
60 *otherwise in accordance with this chapter.*
61 **2. That the provisions of this act shall become effective on July 1, 2014.**