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SENATE JOINT RESOLUTION NO. 75

Offered January 13, 2016

Prefiled January 12, 2016

*Directing the Virginia Housing Commission to study the impact of a tenant's delinquency in paying separately metered utilities pursuant to a rental agreement on landlords in the Commonwealth. Report.*

Patron—DeSteph

Referred to Committee on Rules

WHEREAS, the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq. of the Code of Virginia) addresses the rights and duties of both landlords and tenants; and

WHEREAS, the Virginia Residential Landlord and Tenant Act grants certain rights to a landlord in the event of a tenant's breach of the rental agreement, including failure of the tenant to pay separately metered utilities, including water, sewer, and electric, for the tenant's dwelling unit; and

WHEREAS, Chapter 284 of the Acts of Assembly of 2015 repealed a provision of the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq. of the Code of Virginia) that limited a landlord's liability for a tenant's separately metered sewer or water charges to three delinquent billing periods of no more than 90 days in total; and

WHEREAS, the enactment of Chapter 284 adversely affects a landlord by exposing the landlord to liability that properly belongs to a tenant under the rental agreement, all to the detriment of the landlord; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Housing Commission be directed to study the impact of a tenant's delinquency in paying separately metered utilities pursuant to a rental agreement on landlords in the Commonwealth.

In conducting its study, the Virginia Housing Commission shall (i) determine the extent of adverse effects of Chapter 284 of the Acts of Assembly of 2015 on landlords in the Commonwealth, (ii) explore options to remedy such adverse effects, and (iii) make recommendations for legislative changes in the Virginia Residential Landlord and Tenant Act to address this issue.

The Office of the Clerk of the Senate shall provide administrative staff support. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Virginia Housing Commission. Technical assistance shall be provided to the Virginia Housing Commission by the Department of Housing and Community Development. All agencies of the Commonwealth shall provide assistance to the Virginia Housing Commission for this study, upon request.

The Virginia Housing Commission shall complete its meetings by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2017 Regular Session of the General Assembly. The executive summary shall state whether the Virginia Housing Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

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