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SENATE JOINT RESOLUTION NO. 89

Offered January 13, 2016

Prefiled January 13, 2016

*Directing the Virginia Housing Commission to study the impact of tenant bankruptcy proceedings on landlords in Virginia. Report.*

Patron—DeSteph

Referred to Committee on Rules

WHEREAS, the Virginia Residential Landlord and Tenant Act 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 rent; and

WHEREAS, a tenant filing for Chapter 13 bankruptcy protection effectively stays all remedies available to a landlord in the event of a tenant breach of the rental agreement; and

WHEREAS, the stay during bankruptcy proceedings adversely affects a landlord by allowing the tenant's breach to continue and allowing the tenant to remain in possession, 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 tenant bankruptcy proceedings on landlords in Virginia.

In conducting its study, the Virginia Housing Commission shall explore options to remedy this inequity and shall 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.

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