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HOUSE BILL NO. 1648

Offered January 11, 2017

Prefiled January 4, 2017

A *BILL to amend the Code of Virginia by adding a section numbered 55-59.2:1, relating to notice by trustee required before foreclosure sale; tenant of property subject to sale.*

Patron—Loupassi

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 55-59.2:1 as follows:****§ 55-59.2:1. Notice by trustee before foreclosure sale; tenant of property subject to sale.***A. For the purposes of this section, unless the context requires a different meaning:**"Dwelling unit" means the same as that term is defined in § 55-248.4.**"Premises" means the same as that term is defined in § 55-248.4.**"Tenant" means the same as that term is defined in § 55-248.4.*

B. Where a property subject to foreclosure sale contains one or more dwelling units, in addition to the notices required pursuant to § 55-59.1 and the advertisement required pursuant to § 55-59.2, the trustee shall also give written notice to any tenant of such dwelling unit at least 30 days prior to any foreclosure sale.

*The contents of such written notice shall be in substantially the following form:***NOTICE TO TENANT OF PROPOSED FORECLOSURE SALE OF PROPERTY**

Foreclosure process has begun on this property, located at (address), which includes your dwelling unit. This means that this property may be sold at a foreclosure sale. While the owner of this property may be able to prevent the foreclosure, if the foreclosure sale takes place, your right to possession of your dwelling unit may terminate, and you may be required to vacate the dwelling unit.

You can find out more information about the foreclosure sale, including the time, date, and place of such sale, from the trustee (name, address, and telephone number of trustee).

You may wish to contact a lawyer to discuss any rights you may have as a tenant of a dwelling unit subject to foreclosure.

C. The written notice required by subsection B shall be served by regular mail or hand delivery, with the sender retaining sufficient proof of having given such notice, in the form of a certificate of service confirming such mailing or hand delivery prepared by the sender. The notice shall be addressed to the tenant of each dwelling unit. In addition, the written notice shall be posted on the door of each unit if practicable. If such posting is not practicable, such notice shall be posted in a conspicuous place on the premises of the property.

INTRODUCED

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