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HOUSE BILL NO. 1161

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend the Code of Virginia by adding sections numbered 55.1-705.1 and 55.1-1218.1, relating to Virginia Residential Property Disclosure Act and Virginia Residential Landlord and Tenant Act; required disclosures; lead pipes.*

Patrons—Lopez, Levine and Murphy

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 55.1-705.1 and 55.1-1218.1 as follows:

§ 55.1-705.1. Required disclosures; lead pipes.

Notwithstanding the exemptions in § 55.1-702, if the owner of a residential dwelling unit has actual knowledge of the existence of lead pipes in such dwelling unit, the owner shall provide to a prospective purchaser a written disclosure that the property has lead pipes. Such disclosure shall be provided to the purchaser on a form provided by the Real Estate Board on its website and otherwise in accordance with this chapter. For the purposes of this section, "lead pipe" means any pipe or pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free" (42 U.S.C. § 300j-21).

§ 55.1-1218.1. Required disclosures; lead pipes.

A. If the landlord of a dwelling unit has actual knowledge of the existence of lead pipes in such dwelling unit that has not been remediated, the landlord shall provide to a prospective tenant a written disclosure that the property has lead pipes. 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, "lead pipe" means the same as the term is defined in § 55.1-705.1.

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 of the existence of lead pipe 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 of 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.

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