

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 55.1-1243 of the Code of Virginia, relating to landlord and tenant; remedy for unlawful ouster; ex parte issuance of order to recover possession.

[H 1401]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1243 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1243. Tenant's remedies for landlord's unlawful ouster, exclusion, or diminution of service.

A. If a landlord unlawfully removes or excludes a tenant from the premises or willfully diminishes services to the tenant by interrupting or causing the interruption of an essential service to the tenant, the tenant may obtain an order from a general district court to recover possession, require the landlord to resume any such interrupted essential service, or terminate the rental agreement and, in any case, recover the actual damages sustained by him and reasonable attorney fees. If the rental agreement is terminated, the landlord shall return all of the security deposit in accordance with § 55.1-1226.

B. Upon receipt of a petition under this section for an order to recover possession or restore essential services and a finding that the petitioner has attempted to provide the landlord with actual notice of the hearing on the petition, the judge of the general district court may issue such order ex parte upon a finding of good cause to do so. Such ex parte order shall be a preliminary order that specifies a date for a full hearing on the merits of the petition. The full hearing shall be held within five days of the issuance of the ex parte order.

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