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HOUSE BILL NO. 1516

Offered January 8, 2020

A BILL to amend and reenact § 36-139 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 36-139.9 and 55.1-1211.1, relating to landlord and tenant; certain owners of residential rental property; agent and registration requirements; civil penalty.

Patron—McQuinn

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 36-139 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 36-139.9 and 55.1-1211.1 as follows:

§ 36-139. Powers and duties of Director.

The Director of the Department of Housing and Community Development shall have the following responsibilities:

1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their planning and development activities, boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as he may deem necessary.

2. Making information available to communities, planning district commissions, service districts and governmental subdivisions of the Commonwealth.

3. Providing professional and technical assistance to, and cooperating with, any planning agency, planning district commission, service district, and governmental subdivision engaged in the preparation of development plans and programs, service district plans, or consolidation agreements.

4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the General Assembly in accordance with § 15.2-4216.

5. Administering federal grant assistance programs, including funds from the Appalachian Regional Commission, the Economic Development Administration and other such federal agencies, directed at promoting the development of the Commonwealth's communities and regions.

6. Developing state community development policies, goals, plans and programs for the consideration and adoption of the Board with the ultimate authority for adoption to rest with the Governor and the General Assembly.

7. Developing a Consolidated Plan to guide the development and implementation of housing programs and community development in the Commonwealth for the purpose of meeting the housing and community development needs of the Commonwealth and, in particular, those of low-income and moderate-income persons, families and communities.

8. Determining present and future housing requirements of the Commonwealth on an annual basis and revising the Consolidated Plan, as necessary to coordinate the elements of housing production to ensure the availability of housing where and when needed.

9. Assuming administrative coordination of the various state housing programs and cooperating with the various state agencies in their programs as they relate to housing.

10. Establishing public information and educational programs relating to housing; devising and administering programs to inform all citizens about housing and housing-related programs that are available on all levels of government; designing and administering educational programs to prepare families for home ownership and counseling them during their first years as homeowners; and promoting educational programs to assist sponsors in the development of low and moderate income housing as well as programs to lessen the problems of rental housing management.

11. Administering the provisions of the Industrialized Building Safety Law (§ 36-70 et seq.).

12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

13. Establishing and operating a Building Code Academy for the training of persons in the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by the Board of Housing and Community Development.

14. Administering, in conjunction with the federal government, and promulgating any necessary regulations regarding energy standards for existing buildings as may be required pursuant to federal law.

15. Identifying and disseminating information to local governments about the availability and utilization of federal and state resources.

16. Administering, with the cooperation of the Department of Health, state assistance programs for public water supply systems.

17. Advising the Board on matters relating to policies and programs of the Virginia Housing Trust

Fund.

18. Designing and establishing program guidelines to meet the purposes of the Virginia Housing Trust Fund and to carry out the policies and procedures established by the Board.

19. Preparing agreements and documents for loans and grants to be made from the Virginia Housing Trust Fund; soliciting, receiving, reviewing and selecting the applications for which loans and grants are to be made from such fund; directing the Virginia Housing Development Authority and the Department as to the closing and disbursing of such loans and grants and as to the servicing and collection of such loans; directing the Department as to the regulation and monitoring of the ownership, occupancy and operation of the housing developments and residential housing financed or assisted by such loans and grants; and providing direction and guidance to the Virginia Housing Development Authority as to the investment of moneys in such fund.

20. Establishing and administering program guidelines for a statewide homeless intervention program.

21. Administering 15 percent of the Low Income Home Energy Assistance Program (LIHEAP) Block Grant and any contingency funds awarded and carry over funds, furnishing home weatherization and associated services to low-income households within the Commonwealth in accordance with applicable federal law and regulations.

22. Developing a strategy concerning the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services.

23. Serving as the Executive Director of the Commission on Local Government as prescribed in § 15.2-2901 and perform all other duties of that position as prescribed by law.

24. Developing a strategy, in consultation with the Virginia Housing Development Authority, for the creation and implementation of housing programs and community development for the purpose of meeting the housing needs of persons who have been released from federal, state, and local correctional facilities into communities.

25. Administering the Private Activity Bonds program in Chapter 50 (§ 15.2-5000 et seq.) of Title 15.2 jointly with the Virginia Small Business Financing Authority and the Virginia Housing Development Authority.

26. *Administering the Virginia Residential Rental Property Registry pursuant to § 36-139.9.*

27. Carrying out such other duties as may be necessary and convenient to the exercise of powers granted to the Department.

§ 36-139.9. Virginia Residential Rental Property Registry; penalty.

A. The Department shall develop and maintain a Virginia Residential Rental Property Registry (the Registry) for the registration of all owners of residential property in Virginia on which three or more dwelling units are offered for rent or lease that are subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.). The Registry shall be maintained as a searchable database, freely and publicly accessible through the Department's website.

B. Information recorded on the Registry shall include the following:

1. The name, address, and telephone number of the property owner.

2. If the property is owned by a person who is not an individual, the name, address, and telephone number of a person responsible for the person's management, such as a corporate officer, general partner, or trustee.

3. The name, address, and telephone number of any property manager.

4. The street address and parcel number of each rental property, and any commonly used name of the development in which it is located.

5. The name, address, and telephone number of the agent appointed pursuant to subsection A of § 55.1-1211.1.

6. Any additional information deemed relevant by the Department for maintaining transparency and protection of tenants' rights.

C. The Department may assess a reasonable registration fee for the purpose of maintaining the Registry.

D. The Department may collect civil penalties for a property owner's failure to register or properly update his registration record, pursuant to § 55.1-1211.1.

§ 55.1-1211.1. Certain owners of residential property; agent; Virginia Residential Rental Property Registry; civil penalty.

A. Every property owner who owns residential property on which three or more dwelling units are offered for rent or lease shall appoint and continuously maintain an agent who (i) is available to be contacted 24 hours a day and (ii) works or resides not more than 25 miles from any such property. The contact phone number of such agent shall be posted in any residential building on any such property in a conspicuous manner for use by the tenants.

B. Every owner of residential property on which three or more dwelling units are offered for rent shall file with the Department of Housing and Community Development such information necessary for placement on the Virginia Residential Rental Property Registry pursuant to § 36-139.9. The owner shall

update any required registration information within 10 days of any change in such information.

C. An owner of residential property that fails to register or update his registration pursuant to subsection B shall be subject to a civil penalty of $50 per unit for the first day and $50 for each additional day of noncompliance, to be levied by the Department of Housing and Community Development.