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HOUSE BILL NO. 1286

House Amendments in [] — February 14, 2022

A BILL to amend and reenact § 36-7.2 of the Code of Virginia, relating to Housing Authorities Law; notice of intent to dispose of a housing project.

Patron Prior to Engrossment—Delegate Hudson

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 36-7.2 of the Code of Virginia is amended and reenacted as follows:

§ 36-7.2. Notice of intent to demolish, liquidate, or otherwise dispose of housing projects.

A. Any housing authority required to submit an application to the U.S. Department of Housing and Urban Development (HUD) to demolish, liquidate, or otherwise dispose of a housing project shall serve a notice of intent to demolish, liquidate, or otherwise dispose of such housing project containing the requirements listed in subsection C at least ~~12~~ six months prior to any application submission date to (i) the Virginia Department of Housing and Community Development, ~~(ii) any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project,~~ and ~~(iii) (i)~~ (ii) each tenant residing in the housing project.

B. The authority shall also provide notice containing the requirements listed in subsection C to any prospective tenant who is offered a rental agreement at the covered housing project subsequent to the initial notice sent pursuant to subsection A prior to the prospective tenant signing the rental agreement or paying any deposit.

C. Notice of intent to demolish, liquidate, or otherwise dispose of a housing project shall include:

1. The anticipated date upon which an application to demolish, liquidate, or otherwise dispose of the housing project will be submitted to HUD;

2. The name, address, and phone number of ~~any~~ the local legal aid ~~societies~~ society;

3. Instructions for requesting more information pertaining to the application process, timeline, and implications for the tenant; and

4. Instructions for submitting written comment to the housing authority regarding the demolition, liquidation, or disposal of the housing project.

D. Notwithstanding the foregoing, the housing authority shall not require any tenant currently residing in such housing project to surrender possession of his unit until at least 12 months after serving the notice required by subsection A except as [~~may be permitted under the lease agreement or other applicable otherwise provided by~~] law.

E. During the 12-month period subsequent to the provision of the notice required by subsection A, the housing authority shall not (i) increase rent for any tenant above the amount authorized by any federal assistance program applicable to the housing project; (ii) change the terms of the rental agreement for any tenant, except as permitted under the existing rental agreement; ~~or~~ (iii) evict a tenant or demand possession of any dwelling unit in the housing project, except for a lease violation, including the tenant's failure to pay rent or other charges required by the lease, or violation of law that threatens the health and safety of the building residents; or (iv) take any action to demolish, liquidate, or otherwise dispose of the public housing project or a portion of the public housing project.

F. Any party ~~who~~ that is entitled to receive notice under this section may bring a civil action to enjoin action by the housing authority or recover actual damages for any violation of this section, including any court costs and reasonable attorney fees.

ENGROSSED

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