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**HOUSE BILL NO. 1635**

Offered January 11, 2023

Prefiled January 7, 2023

A *BILL to amend the Code of Virginia by adding sections numbered 55.1-1234.1 and 55.1-1251.1, relating to the Virginia Residential Landlord and Tenant Act; tenant remedies; uninhabitable dwelling unit.*

Patrons—Bulova, Lopez, Glass, Kory, McQuinn, Price and Ward

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 55.1-1234.1 and 55.1-1251.1 as follows:**

**§ 55.1-1234.1. Uninhabitable dwelling unit.**

*Notwithstanding any other provision of this chapter, if, at the beginning of the tenancy, the tenant finds that the dwelling unit is not in a fit and habitable condition as described in § 55.1-1220, the tenant shall be entitled to terminate the rental agreement and receive a full refund of all money paid to the landlord, including any security deposit and application fee, so long as the tenant provides the landlord or the landlord's agent notice of his intent to terminate the rental agreement within five days of the date on which possession of the dwelling unit was to have transferred to the tenant. Such notice may be delivered by the tenant to the landlord or the landlord's agent by regular mail, hand delivery, or email. The landlord shall refund all money paid by the tenant to the tenant on or before the fifth day following the day on which the termination notice was delivered to the landlord or the landlord's agent. If the landlord fails to refund the tenant as required by this section, the tenant shall be entitled to actual damages and reasonable attorney fees.*

**§ 55.1-1251.1. Remedy; tenant's unjustifiable termination due to habitability of dwelling unit.**

*If a tenant terminates a rental agreement pursuant to § 55.1-1234.1 and the landlord reasonably believes that the dwelling unit was kept in a fit and habitable condition as described in § 55.1-1220 and the tenant was unjustified in his termination of the rental agreement, the landlord may contest such termination before a court of competent jurisdiction. If the court finds in favor of the landlord, the landlord shall be entitled to recover from the tenant damages in accordance with the provisions of subsection H of § 55.1-1245.*

INTRODUCED

HB1635