

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 8.01-127.1, relating to unlawful*  
3 *detainer actions.*

4 [H 2142]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 8.01-127.1 as follows:**8 *§ 8.01-127.1. Removal of residential unlawful detainer actions.*

9 *A. In any case involving a residential tenancy not involving a default in rent in which an action has*  
10 *been commenced or a summons has been issued pursuant to § 8.01-126, in or returnable to a general*  
11 *district court, removal of the action to the circuit court shall be conditioned upon the defendant (i) filing*  
12 *an affidavit of substantial defense pursuant to the requirements of § 16.1-92 and (ii) paying the costs*  
13 *accrued to the time of removal, the writ tax as fixed by law, and in the court to which it is removed, the*  
14 *costs as fixed by subdivision (17) of § 14.1-112.*

15 *B. The affidavit of substantial defense described in subsection A and any representation by the*  
16 *landlord that there has been a default in rent shall be subject to the requirements of § 8.01-271.1.*

17 *C. If the defendant fails to pay rent at such time and in such manner as required by the terms of the*  
18 *rental agreement and applicable law, the landlord may file with the circuit court, and serve upon the*  
19 *defendant, or his attorney, an affidavit made by himself, his agent, or his attorney, stating that the rent*  
20 *is delinquent. If within three business days of service of such notice, the defendant or his attorney fails*  
21 *to file, and the court does not receive an affidavit stating that the rent has been paid timely, the circuit*  
22 *court shall enter an order of possession granting the landlord immediate possession of the premises.*

23 *If an affidavit is filed on behalf of the defendant stating that payment has been made, the matter*  
24 *shall come before the circuit court forthwith to resolve the issue of payment.*

25 *D. Unlawful detainer actions removed to the circuit court shall be accorded priority on the civil*  
26 *docket.*

ENROLLED

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