

LD2010112

HOUSE BILL NO. 2592

Offered January 23, 1995

A *BILL to amend and reenact §§ 55-248.7 and 55-248.9 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; late charges.*

Patron—Almand

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-248.7 and 55-248.9 of the Code of Virginia are amended and reenacted as follows:

§ 55-248.7. Terms and conditions of rental agreement; copy for tenant.

A. A landlord and tenant may include in a rental agreement, terms and conditions not prohibited by this chapter or other rule of law, including rent, charges for the late payment of rent *not to exceed ten percent of the amount of the monthly rental*, term of the agreement and other provisions governing the rights and obligations of the parties.

B. In the absence of agreement, the tenant shall pay as rent the fair rental value for the use and occupancy of the dwelling unit.

C. Rent shall be payable without demand or notice at the time and place agreed upon by the parties. Unless otherwise agreed, rent is payable at the place designated by the landlord and periodic rent is payable at the beginning of any term of one month or less and otherwise in equal installments at the beginning of each month.

D. Unless the rental agreement fixes a definite term, the tenancy shall be week to week in case of a roomer who pays weekly rent, and in all other cases month to month.

E. If the agreement contains any provision whereby the landlord may approve or disapprove a sublessee or assignee of the tenant, the landlord shall within ten business days of receipt by him of the written application of the prospective sublessee or assignee on a form to be provided by the landlord, approve or disapprove the sublessee or assignee. Failure of the landlord to act within ten business days shall be deemed evidence of his approval.

F. A copy of any written rental agreement signed by both the tenant and the landlord shall be provided to the tenant within one month of the effective date of the written rental agreement. The failure of the landlord to deliver such a rental agreement shall not affect the validity of the agreement.

§ 55-248.9. Prohibited provisions in rental agreements.

A. A rental agreement shall not contain provisions that the tenant:

1. Agrees to waive or forego rights or remedies under this chapter;
2. Agrees to waive or forego rights or remedies pertaining to the 120-day conversion or rehabilitation notice required in the Condominium Act (§ 55-79.39 et seq.), the Virginia Real Estate Cooperative Act (§ 55-424 et seq.) or Chapter 13 (§ 55-217 et seq.) of this title;

3. Authorizes any person to confess judgment on a claim arising out of the rental agreement;

4. Agrees to pay the landlord's attorney's fees except as provided herein;

5. Agrees to the exculpation or limitation of any liability of the landlord to the tenant arising under law or to indemnify the landlord for that liability or the costs connected therewith; ~~or~~

6. Agrees as a condition of tenancy in public housing to a prohibition or restriction of any lawful possession of a firearm within individual rental units unless required by federal law or regulation; *or*

7. *Agrees to pay charges for the late payment of rent which exceeds ten percent of the amount of the monthly rental.*

B. A provision prohibited by subsection A of this section included in a rental agreement is unenforceable. If a landlord brings an action to enforce any of said prohibited provisions, the tenant may recover actual damages sustained by him and reasonable attorney's fees.

INTRODUCED

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