

1995 SESSION

INTRODUCED

LD3327112

HOUSE BILL NO. 501

Offered January 24, 1994

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-127.1, relating to the removal of certain residential unlawful detainer actions to the circuit courts.*

Patron—Almand

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-127.1 as follows:

§ 8.01-127.1. Removal of residential unlawful detainer actions.

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

B. *The affidavit of substantial defense referred to in subsection A shall be subject to the requirements of § 8.01-271.1.*

C. *If the defendant fails to pay rent at such time and in such manner as required by the rental agreement, the plaintiff may ask the circuit court for the immediate issuance of an order of possession. If the defendant, at any time before the hearing of the motion, pays or tenders to the party entitled to such rent, or to his attorney, or pays the court, all the rent and arrears, along with any reasonable attorney's fees and late charges contracted for in a written rental agreement, interest and costs, further proceedings on the motion shall cease, and the case shall come to trial in due course. The defendant may invoke the rights granted by this subsection only one time in any action removed to the circuit court.*

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

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