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HOUSE BILL NO. 2740

Offered January 20, 1997

A BILL to amend and reenact § 55-248.7 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; rental agreements.

Patrons—Cooper, Albo, Barlow, Behm, Cantor, Cox, Croshaw, Hamilton, Ingram, McClure, Moore, O'Brien, Plum, Reid and Wagner; Senators: Norment and Williams

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 55-248.7 of the Code of Virginia is 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 late payment of rent, term of the agreement and other provisions governing the rights and obligations of the parties. *Nothing in this chapter shall be construed to invalidate a charge for the late payment of rent provided that the late charge is expressed in the rental agreement and (i) does not exceed ten percent of the amount of the monthly rent or (ii) does exceed ten percent of the monthly rent but only by an amount which is determined by a court of law to be reasonable.*

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.

INTRODUCED

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