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## HOUSE BILL NO. 1247

Offered January 26, 1998

A BILL to amend and reenact § 55-248.38:1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55-248.35:1, relating to the Virginia Residential Landlord and Tenant Act; landlord remedies.

Patrons—Drake, Davis, Ingram, Jones, J.C., Landes and Williams; Senator: Schrock

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 55-248.38:1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55-248.35:1 as follows:

§ 55-248.38:1. Disposal of property abandoned by tenants; liability for local fines.

If any items of personal property are left in the premises, or in any storage area provided by the landlord, after the rental agreement has terminated and delivery of possession has occurred, the landlord may consider such property to be abandoned. The landlord shall prepare an itemized listing of such property, and may immediately remove such property from the premises or storage area to a place of safekeeping where it shall be held for a period of one month from the termination of the tenancy and delivery of possession. The tenant shall have the right to claim such property within said one-month period, provided the tenant pays the reasonable costs incurred by the landlord in placing said property in storage or safekeeping. Upon expiration of thirty days from the termination of the tenancy and delivery of possession, the landlord may dispose of the property so abandoned as the landlord sees fit or appropriate, provided he has given ten days' written notice to the tenant at the last known address of the tenant, address correction requested, as otherwise provided in this chapter, and provided he maintains the itemized listing of such property so disposed of by the landlord for a period of two years thereafter. If the landlord received any funds from any sale of abandoned property as provided in this section, the landlord shall pay such funds to the account of the tenant and apply same to any amounts due the landlord by the tenant, including the reasonable costs incurred by the landlord in selling, storing or safekeeping such property. If any such funds are remaining after application, the remaining funds shall be treated as a security deposit under the provisions of § 55-248.11 of this chapter. The provisions of this section shall not be applicable if the landlord has been granted a writ of possession for the premises in accordance with Title 8.01 and execution of such writ has been completed pursuant to § 8.01-470.

§ 55-248.35:1. Remedy after termination; eviction; property deemed forfeited.

Where the landlord has been granted a writ of possession for the premises in accordance with Title 8.01 and execution of such writ has been completed pursuant to § 8.01-470, any personal property left in the premises by the tenant shall be forfeited.

INTRODUCED

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