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HOUSE BILL NO. 1369

Offered January 26, 1998

A BILL to amend and reenact § 55-248.18 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 3.1-249.55:1, 55-79.80:01 and 55-464.1, relating to the protection of chemically sensitive people; registry; damages; use of pesticides by landlords.

Patron—Almand

Referred to Committee on Agriculture

Be it enacted by the General Assembly of Virginia:

1. That § 55-248.18 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 3.1-249.55:1, 55-79.80:01 and 55-464.1 as follows:

§ 3.1-249.55:1. Board to maintain registry; notice by registrants; damages.

A. The Board shall maintain a registry of all condominium unit owners, tenants subject to the provisions of the Virginia Residential and Landlord Tenant Act (§ 55-248.2 et seq.), and proprietary lessees as defined in Virginia Real Estate Cooperative Act (§ 55-424 et seq.) who have requested in writing that they desire forty-eight hours' notification of any application of a pesticide within their condominium; premises, as that term is defined in § 55-248.4; or cooperative. Annually, the Board shall update the registry and send a copy to all certified commercial applicators.

B. A commercial applicator shall give no less than forty-eight hours' notice in writing or by direct telephone contact to any person whose name appears on the registry of any pesticide application within the requester's condominium; premises, that term is defined in § 55-248.4; or cooperative. The notice shall state the time of the planned application and identify type of pesticide to be used. If for any reason the application cannot be carried out at the time stated in the notice, the commercial applicator shall promptly inform such person in writing or by direct telephone contact and, at that time or as soon as a new date is set, inform him of the new date and time.

C. Any commercial applicator who violates the provisions of this section shall be liable for damages in the amount of \$100, payable to the person whose name appears on the registry who was not notified as required by subsection B. In addition, such person may recover reasonable attorney's fees and costs. Actions under this subsection shall be brought in the general district court for the county or city where such person resides.

§ 55-79.80:01. Common elements; notice of pesticide application; registry.

A. Unit owners' associations shall post notice of all pesticide applications in or upon the common elements. Such notice shall consist of conspicuous signs placed in or upon the common elements where the pesticide will be applied at least forty-eight hours prior to the application.

B. A unit owner may file with the Pesticide Control Board a request to be placed on the registry required pursuant to § 3.1-249.55:1 for notice of pesticide application.

§ 55-248.18. Access; consent; notice to tenant for pesticide use.

A. The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors. The landlord may enter the dwelling unit without consent of the tenant in case of emergency. The landlord shall not abuse the right of access or use it to harass the tenant. Except in case of emergency or if it is impractical to do so, the landlord shall give the tenant reasonable notice of his intent to enter and may enter only at reasonable times.

B. The landlord shall give written notice to the tenant no less than forty-eight hours prior to his application of a pesticide in the tenant's dwelling unit unless the tenant agrees to a shorter notification period. Such notice shall identify the type of pesticide to be used. If a tenant requests the application of the pesticide, the ~~forty-eight hour~~ forty-eight-hour notice requirement is not required; however, the landlord shall identify the type of pesticide used, if requested by the tenant, and post the sign required by this subsection. The application of pesticides shall be in accordance with Article 3 (§ 3.1-249.51 et seq.) of Chapter 14.1 of Title 3.1.

C. In addition, the landlord shall post notice of all pesticide applications in or upon the premises, excluding the dwelling units. Such notice shall consist of conspicuous signs placed in or upon such premises where the pesticide will be applied at least forty-eight hours prior to the application.

D. The landlord has no other right to access except by court order or that permitted by §§ 55-248.32 and 55-248.33 or if the tenant has abandoned or surrendered the premises.

INTRODUCED

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60 BE. The tenant may install, within the apartment, new burglary prevention, including chain latch
61 devices approved by the landlord, and fire detection devices that the tenant may believe necessary to
62 insure ensure his safety, provided:

63 1. Installation does no permanent damage to any part of the apartment.

64 2. A duplicate of all keys and instructions of how to operate all devices are given to the landlord or
65 landlord's agent.

66 3. Upon termination of occupancy the tenant shall, upon request of the landlord, remove all such
67 devices and repair all damages.

68 § 55-464.1. Common elements; notice of pesticide application; registry

69 A. Associations shall post notification of all pesticide applications in or upon the common elements.
70 Such notice shall consist of conspicuous signs placed in or upon the common elements where the
71 pesticide will be applied at least forty-eight hours prior to the application.

72 B. A proprietary lessee may file with the Pesticide Control Board a request to be placed on the
73 registry required pursuant to § 3.1-249.55:1 for notice of pesticide application.