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HOUSE BILL NO. 1369

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 15, 1998)

(Patron Prior to Substitute—Delegate Almand)

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 55-79.80:01 and 55-464.1, relating to notice of pesticide use.

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 55-79.80:01 and 55-464.1 as follows:

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

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.

§ 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 name of the 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 name of the pesticide used, if requested by the tenant. 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.

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

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

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

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

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

Associations shall post notification 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.