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SENATE BILL NO. 1175

Senate Amendments in [] — February 4, 1999

A BILL to amend and reenact § 55-248.4 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55-248.31:01, relating to the Virginia Residential Landlord and Tenant Act; barring invitees of a tenant.

Patrons—Mims, Barry, Forbes, Hanger, Howell, Lambert, Lucas, Maxwell, Quayle, Ticer, Trumbo, Watkins and Williams; Delegates: Abbitt, Albo, Barlow, Christian, Cox, Davis, Hull, Ingram, McEachin, Reid and Williams

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 55-248.4 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 55-248.31:01 as follows:

§ 55-248.4. Definitions.

When used in this chapter, unless expressly stated otherwise:

"Action" means recoupment, counterclaim, set off, or other civil suit and any other proceeding in which rights are determined, including without limitation actions for possession, rent, unlawful detainer, unlawful entry, and distress for rent;

"Application fee" means any deposit of money or property whether termed application fee, service fee, or processing fee, or however denominated, which is paid by a tenant to a landlord, lessor, or agent of a landlord for the purpose of being considered as a tenant for a dwelling unit;

"Assignment" means the transfer by any tenant of all interests created by a rental agreement;

"Building and housing codes" means any law, ordinance or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or appearance of any structure or that part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household;

"Dwelling unit" means a structure or part of a structure that is used as a home or residence by one or more persons who maintain a household, including, but not limited to, a mobile home;

"Facility" means something that is built, constructed, installed or established to perform some particular function;

"Good faith" means honesty in fact in the conduct of the transaction concerned;

"Guest or invitee of a tenant" means a person, other than the tenant or person authorized by the landlord to occupy the premises, who has the permission of the tenant to visit but not to occupy the premises.

"Landlord" means the owner, lessor or sublessor of the dwelling unit or the building of which such dwelling unit is a part, and landlord also means a manager of the premises who fails to disclose the name of such owner, lessor or sublessor;

"Natural person," wherever the chapter refers to an owner as a "natural person," includes co-owners either as tenants in common, joint tenants, tenants in partnership, tenants by the entirety, trustees or beneficiaries of a trust, or any lawful combination of natural persons permitted by law;

"Organization" means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any combination thereof, and any other legal or commercial entity;

"Owner" means one or more persons, jointly or severally, in whom is vested:

1. All or part of the legal title to the property, or

2. All or part of the beneficial ownership and a right to present use and enjoyment of the premises, and the term includes a mortgagee in possession;

"Person" means any individual, group of individuals, corporation, partnership, business trust, association or other legal entity, or any combination thereof;

"Premises" means a dwelling unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of tenants generally or whose use is promised to the tenant;

"Rent" means all payments to be made to the landlord under the rental agreement other than security deposits;

"Rental agreement" means all agreements, written or oral, and valid rules and regulations adopted under § 55-248.17 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises;

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60 "Roomer" means a person occupying a dwelling unit that lacks a major bathroom or kitchen facility,
61 in a structure where one or more major facilities are used in common by occupants of the dwelling unit
62 and other dwelling units. Major facility in the case of a bathroom means toilet, and either a bath or
63 shower, and in the case of a kitchen means refrigerator, stove or sink;

64 "Security deposit" or "security" means any deposit of money or property, whether termed security
65 deposit or "prepaid rent," however denominated, which is furnished by a tenant to a landlord, lessor or
66 agent of a landlord or lessor to secure the performance of any part of a written or oral lease or
67 agreement, or as a security for damages to the leased premises;

68 "Single-family residence" means a structure, other than a multi-family residential structure,
69 maintained and used as a single dwelling unit or any dwelling unit which has direct access to a street or
70 thoroughfare and shares neither heating facilities, hot water equipment nor any other essential facility or
71 service with any other dwelling unit;

72 "Sublease" means the transfer by any tenant of any but not all interests created by a rental
73 agreement;

74 "Tenant" means a person entitled under a rental agreement to occupy a dwelling unit to the exclusion
75 of others and shall include roomer; and

76 "Utility" means a service such as light, power, electricity, gas, or water provided by a public service
77 corporation.

78 § 55-248.31:01. *Barring guest or invitee of tenants.*

79 A. *A guest or invitee of a tenant may be barred from the premises by the landlord upon written*
80 *notice served personally upon the guest or invitee for conduct which violates the terms and conditions of*
81 *the rental agreement, local ordinance, or state or federal law. [A copy of the notice must be served*
82 *upon the tenant in accordance with this Chapter.] [The notice shall describe the conduct of the guest*
83 *or invitee which is the basis for the landlord's action.]*

84 B. *In addition to the remedies against the tenant authorized by this chapter, a landlord may apply to*
85 *the magistrate for a warrant for trespass, provided the guest or invitee has been served in accordance*
86 *with subsection A.*

87 [C. *The tenant may file a tenant's assertion, in accordance with § 55-248.27 and § 55-248.30,*
88 *requesting that the general district court review the landlord's action to bar the guest or invitee.]*