

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 55-248.25:1, relating to the
3 Virginia Residential Landlord and Tenant Act; rent escrow required in certain cases.

4 [S 1323]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 55-248.25:1 as follows:**

8 § 55-248.25:1. *Rent escrow required for continuance of tenant's case.*

9 A. *Where a landlord has filed an unlawful detainer action seeking possession of the premises as*
10 *provided by this chapter and the tenant seeks to obtain a continuance of the action or to set it for a*
11 *contested trial, the court shall, upon request of the landlord, order the tenant to pay an amount equal to*
12 *the rent that is due as of the initial court date into the court escrow account prior to granting the*
13 *tenant's request for a delayed court date. However, if the tenant asserts a good faith defense, and the*
14 *court so finds, the court shall not require the rent to be escrowed. If the landlord requests a*
15 *continuance, or to set the matter for a contested trial, the court shall not require the rent to be*
16 *escrowed.*

17 B. *If the court finds that the tenant has not asserted a good faith defense, the tenant shall be*
18 *required to pay an amount determined by the court to be proper into the court escrow account in order*
19 *for the case to be continued or set for contested trial. To meets the ends of justice, however, the court*
20 *may grant the tenant a continuance of no more than one week to make full payment of the*
21 *court-ordered amount into the court escrow account. If the tenant fails to pay the entire amount*
22 *ordered, the court shall, upon request of the landlord, enter judgment for the landlord and enter an*
23 *order of possession of the premises.*

24 C. *The court shall further order that should the tenant fail to pay future rents due under the rental*
25 *agreement into the court escrow account, the court shall, upon the request of the landlord, enter*
26 *judgment for the landlord and enter an order of possession of the premises.*

27 D. *Upon motion of the landlord, the court may disburse the moneys held in the court escrow account*
28 *to the landlord for payment of his mortgage or other expenses relating to the dwelling unit.*

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