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HOUSE BILL NO. 2101

Offered January 12, 2011

Prefiled January 12, 2011

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-900.1, relating to landlords enforcing tenant violations.*

Patrons—Bulova, Dance and Herring

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-900.1 as follows:

§ 15.2-900.1. Landlord enforcement of tenant violations.

A. The provisions of this section shall apply to any locality that contains a public institution of higher education identified in Title 23 that offers a four-year curriculum; and to any locality that adjoins such a locality; or to the lands in any locality for which the governing body or a housing authority or redevelopment authority has established a conservation area pursuant to § 36-48.1, a conservation or redevelopment area pursuant to § 36-52.1, a rehabilitation area pursuant to § 36-52.3, or a local housing rehabilitation zone pursuant to § 36-55.64.

B. A locality to which this section applies may adopt an ordinance to enforce the provisions of this section against the owner of property who allows continuing violations of § 18.2-387, 18.2-388, or 18.2-415 on the property and does not take legal action against the violating tenant to require such tenant to cease and desist from such criminal behavior or does not file an unlawful detainer against such violating tenant. For the purposes of this section, (i) a violation shall be deemed to have occurred only if the tenant is convicted in a court of competent jurisdiction and (ii) a violation shall be deemed to be continuing if there have been three or more such criminal convictions by the violating tenant committed on the owner's property within the previous 12-month period.

C. The ordinance adopted pursuant to this enabling authority shall provide that (i) the enforcement proceedings against the landlord are civil and not criminal, (ii) the local government shall send the owner written notice of any criminal convictions of tenants within 60 days of each such conviction in order to count said conviction as a continuing violation as defined in this section, and (iii) copies of each such written notice to the owner shall be attached to any civil action taken against the owner. Written notice shall be sent to the owner by regular, first-class mail to the address of the owner of record in the office of the locality's assessor or commissioner of the revenue. The locality shall send the required notice within 60 days after the last continuing violation and at least 30 days prior to filing the civil action as provided in this section.

D. Any ordinance adopted pursuant to this section shall only apply to rental properties that contain four or fewer rental units.

E. The locality may not proceed against a respondent property owner in court for violation of the ordinance during the time that the property owner is diligently pursuing a legal action in unlawful detainer to evict one or more of the tenants from the rental property, or has pending other legal action, for the conduct that is the subject matter of the enforcement action by the locality pursuant to this section and may not proceed against the owner if the court orders that the owner may not evict the tenants. However, the 12-month period provided in subsection B shall not include the period of time for which the locality's action was held in abeyance pending the outcome of any respondent property owner's separate legal action against one or more tenants.

F. The penalty for violating such ordinance shall be a civil penalty of not more than \$250. The penalty for a second violation within a 12-month period shall be \$500 and for a third or subsequent violation shall be \$750. A series of specified violations arising from the same operative set of facts shall not result in civil penalties exceeding \$1,000, and the total civil penalties in a 12-month period shall not exceed \$2,500.