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HOUSE BILL NO. 401

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 55-248.7 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55-225.15 and by adding in Article 2 of Chapter 13.2 of Title 55 a section numbered 55-248.15:3, relating to landlord and tenant laws; landlord obligations; receipt required for cash payments.

 Patron—Hope

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 55-248.7 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55-225.15 and by adding in Article 2 of Chapter 13.2 of Title 55 a section numbered 55-248.15:3 as follows:

§ 55-225.15. Receipt required for certain rent payments; required provision for rental or lease agreements.

A. The landlord shall, upon request, provide a written receipt to the tenant whenever such tenant pays rent in the form of cash or money order.

B. Beginning January 1, 2013, every written rental or lease agreement shall contain a notice, printed in no less than 10-point boldface type, of the tenant's right to receive a written receipt when payment of rent is in the form of cash or money order. This provision shall not apply to any rental or lease agreement entered into prior to January 1, 2013, that is subsequently renewed by the parties.

§ 55-248.7. Terms and conditions of rental agreement; copy for tenant.

A. A landlord and tenant may include in a rental agreement, terms and conditions not prohibited by this chapter or other rule of law, including rent, charges for late payment of rent, term of the agreement, automatic renewal of the rental agreement, requirements for notice of intent to vacate or terminate the rental agreement, and other provisions governing the rights and obligations of the parties.

B. Beginning January 1, 2013, every written rental agreement shall contain a notice, printed in no less than 10-point boldface type, of the tenant's right to receive a written receipt when payment of rent is in the form of cash or money order pursuant to § 55-248.15:3. This provision shall not apply to any rental agreement entered into prior to January 1, 2013, that is subsequently renewed by the parties.

C. In the absence of a rental agreement, the tenant shall pay as rent the fair rental value for the use and occupancy of the dwelling unit.

D. Rent shall be payable without demand or notice at the time and place agreed upon by the parties. Unless otherwise agreed, rent is payable at the place designated by the landlord and periodic rent is payable at the beginning of any term of one month or less and otherwise in equal installments at the beginning of each month.

E. Unless the rental agreement fixes a definite term, the tenancy shall be week to week in case of a roomer who pays weekly rent, and in all other cases month to month.

F. If the rental agreement contains any provision whereby the landlord may approve or disapprove a sublessee or assignee of the tenant, the landlord shall within 10 business days of receipt by him of the written application of the prospective sublessee or assignee on a form to be provided by the landlord, approve or disapprove the sublessee or assignee. Failure of the landlord to act within 10 business days shall be deemed evidence of his approval.

G. A copy of any written rental agreement signed by both the tenant and the landlord shall be provided to the tenant within one month of the effective date of the written rental agreement. The failure of the landlord to deliver such a rental agreement shall not affect the validity of the agreement.

H. No unilateral change in the terms of a rental agreement by a landlord or tenant shall be valid unless (i) notice of the change is given in accordance with the terms of the rental agreement or as otherwise required by law and (ii) both parties consent in writing to the change.

§ 55-248.15:3. Landlord to provide receipt for certain rent payments.

The landlord shall, upon request, provide a written receipt to the tenant whenever such tenant pays rent in the form of cash or money order.

INTRODUCED

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