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SENATE BILL NO. 1004

Offered January 9, 2013

Prefiled January 8, 2013

A *BILL to amend the Code of Virginia by adding sections numbered 55-225.16 and 55-248.21:2, relating to landlord and tenant law; early termination of rental agreements by victims of family abuse or sexual assault.*

Patrons—Howell and Black

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 55-225.16 and 55-248.21:2 as follows:

§ 55-225.16. Early termination of rental agreements by victims of family abuse, sexual abuse, or criminal sexual assault.

A. Any tenant who is a victim of (i) family abuse as defined by § 16.1-228, (ii) sexual abuse as defined by § 18.2-67.10, or (iii) criminal sexual assault may terminate a rental agreement under the following circumstances:

1. The victim has obtained an order of protection pursuant to § 16.1-279.1;

2. A written report of a law-enforcement officer as defined in § 16.1-253.4 has been issued that documents any act of criminal sexual assault, sexual abuse as defined by § 18.2-67.10, or family abuse against the victim as defined by § 16.1-228, or a court has entered an order convicting a defendant of committing any crime of sexual assault, sexual abuse as defined by § 18.2-67.10, or family abuse as defined by § 16.1-228 against the victim;

3. The victim has obtained written confirmation of status as a client of a domestic or sexual violence program accredited by the statewide domestic and sexual violence agency; or

4. The landlord has issued a notice pursuant to § 55-248.31:01 barring a perpetrator of family abuse.

B. A tenant seeking to terminate a rental agreement pursuant to subsection A shall serve a written notice of termination on the landlord to be effective on a date not less than 30 days after delivery of the notice to the landlord. Except in the case of a termination that is sought pursuant to subdivision A 4, when the tenant serves the termination notice on the landlord, the tenant shall also provide the landlord with (i) a copy of the order of protection issued; (ii) a copy of the law-enforcement incident report of family abuse, sexual abuse, or criminal sexual assault; or (iii) the written confirmation of services from the domestic or sexual violence program.

C. The final rent shall be prorated to the date of termination and shall be payable at such time as would otherwise have been required by the terms of the rental agreement.

D. The landlord may not charge any liquidated damages.

§ 55-248.21:2. Early termination of rental agreements by victims of family abuse, sexual abuse, or criminal sexual assault.

A. Any tenant who is a victim of (i) family abuse as defined by § 16.1-228, (ii) sexual abuse as defined by § 18.2-67.10, or (iii) criminal sexual assault may terminate a rental agreement under the following circumstances:

1. The victim has obtained an order of protection pursuant to § 16.1-279.1;

2. A written report of a law-enforcement officer as defined in § 16.1-253.4 has been issued that documents any act of criminal sexual assault, sexual abuse as defined by § 18.2-67.10, or family abuse against the victim as defined by § 16.1-228, or a court has entered an order convicting a defendant of committing any crime of sexual assault, sexual abuse as defined by § 18.2-67.10, or family abuse as defined by § 16.1-228 against the victim;

3. The victim has obtained written confirmation of status as a client of a domestic or sexual violence program accredited by the statewide domestic and sexual violence agency; or

4. The landlord has issued a notice pursuant to § 55-248.31:01 barring a perpetrator of family abuse.

B. A tenant seeking to terminate a rental agreement pursuant to subsection A shall serve a written notice of termination on the landlord to be effective on a date not less than 30 days after delivery of the notice to the landlord. Except in the case of a termination that is sought pursuant to subdivision A 4, when the tenant serves the termination notice on the landlord, the tenant shall also provide the landlord with (i) a copy of the order of protection issued; (ii) a copy of the law-enforcement incident report of

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- 59** *family abuse, sexual abuse, or criminal sexual assault; or (iii) the written confirmation of services from*
60 *the domestic or sexual violence program.*
61 *C. The final rent shall be prorated to the date of termination and shall be payable at such time as*
62 *would otherwise have been required by the terms of the rental agreement.*
63 *D. The landlord may not charge any liquidated damages.*