

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-126 of the Code of Virginia, relating to summons for unlawful*
3 *detainer issued by magistrate or clerk or judge of a general district court.*

4
5 Approved

[H 596]

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

7 **1. That § 8.01-126 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general**
9 **district court.**

10 A. In any case when possession of any house, land or tenement is unlawfully detained by the person
11 in possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may
12 present to a magistrate or a clerk or judge of a general district court a statement under oath of the facts
13 which authorize the removal of the tenant or other person in possession, describing such premises; and
14 thereupon such magistrate, clerk or judge shall issue his summons against the person or persons named
15 in such affidavit. The process issued upon any such summons issued by a magistrate, clerk or judge
16 may be served as provided in § 8.01-293, 8.01-296, or 8.01-299. When issued by a magistrate it may be
17 returned to and the case heard and determined by the judge of a general district court. If the summons
18 for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord Tenant
19 Act (§ 55-248.2 et seq.), the initial hearing on such summons shall occur as soon as practicable, but not
20 more than 21 days from the date of filing. If the case cannot be heard within 21 days from the date of
21 filing, the initial hearing shall be held as soon as practicable. If the plaintiff requests that the initial
22 hearing be set on a date later than 21 days from the date of filing, the initial hearing shall be set on a
23 date the plaintiff is available that is also available for the court. Such summons shall be served at least
24 10 days before the return day thereof.

25 B. Notwithstanding any other rule of court or provision of law to the contrary, the plaintiff in an
26 unlawful detainer case may submit into evidence a photocopy of a properly executed paper document or
27 paper printout of an electronically stored document including a copy of the original lease or other
28 documents, provided that the plaintiff provides an affidavit or sworn testimony that the copy of such
29 document is a true and accurate copy of the original lease. An attorney or agent of the landlord or
30 managing agent may present such affidavit into evidence.

31 C. Notwithstanding any other rule of court or provision of law to the contrary, when the defendant
32 does not make an appearance in court, the plaintiff or the plaintiff's attorney or agent may include in the
33 affidavit entered into evidence pursuant to subsection B a statement of the amount of outstanding rent,
34 late charges, attorney fees, and any other charges or damages due as of the date of the hearing. Upon
35 request of the plaintiff or the plaintiff's attorney or agent, if the court determines that (i) the affidavit
36 accurately sets forth the amount due the plaintiff and (ii) *the unlawful detainer summons served upon*
37 *the defendant requests judgment for all amounts due as of the date of the hearing*, the court shall *permit*
38 *amendment of the amount requested on the summons for unlawful detainer filed in court in accordance*
39 *with the affidavit and shall enter a judgment for such amount due as of the date of the hearing in*
40 *addition to entering an order of possession for the premises.*

ENROLLED

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