

Department of Planning and Budget

2014 Fiscal Impact Statement

1. Bill Number: HB820

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Lopez

3. Committee: Courts of Justice

4. Title: Virginia Residential Landlord and Tenant Act; retaliation by landlord; rebuttable presumption.

5. Summary: This bill amends the Virginia Residential Landlord and Tenant Act. Specifically, the bill creates a rebuttable presumption that a landlord acted in retaliation against a tenant in violation of the Virginia Landlord and Tenant Act if such retaliation occurs within six months after a tenant has (i) complained to a governmental agency charged with responsibility for enforcement of a building or housing code of a violation applicable to the premises materially affecting health or safety; (ii) made a complaint to or filed a suit against the landlord for a violation of any provision of the Act; (iii) organized or became a member of a tenants' organization; or (iv) testified in a court proceeding against the landlord. The bill provides that after six months, the burden of proving retaliatory intent is on the tenant. Currently, the burden of proof is on the tenant.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: No state fiscal impact.

8. Fiscal Implications: It is anticipated that this bill will not result in a state fiscal impact. The Department of Housing and Community Development has no oversight or administrative obligations regarding the Virginia Residential Landlord and Tenant Act. The department does update and publish on its website the Landlord Tenant Handbook. Any legislative changes made to the Act will be updated, but DHCD can do so using current resources.

9. Specific Agency or Political Subdivisions Affected: Department of Housing and Community Development; localities.

10. Technical Amendment Necessary: No.

11. Other Comments: None.