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HOUSE BILL NO. 711

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 11, 2016)

(Patron Prior to Substitute—Delegate Watts)

A BILL to amend and reenact §§ 55-225.5 and 55-248.18:1 of the Code of Virginia, relating to protective orders in cases of family abuse; possession of premises.

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-225.5 and 55-248.18:1 of the Code of Virginia are amended and reenacted as follows:
§ 55-225.5. Access following entry of certain court orders.

A. A tenant or authorized occupant who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant or authorized occupant to do so, provided:

1. Installation of the new lock or security devices does no permanent damage to any part of the dwelling unit; and

2. A duplicate copy of all keys and instructions of how to operate all devices are given to the landlord.

Upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas.

B. A person, who is not a tenant or authorized occupant in the dwelling unit and who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such person possession of the premises to the exclusion of one or more co-tenants or authorized occupants, may provide a copy of such order to the landlord and submit a rental application to become a tenant in such dwelling unit within 10 days of the entry of such order. If such person's rental application meets the landlord's tenant selection criteria, such person may become a tenant in such dwelling unit under a written rental agreement. If such person submits a rental application and does not meet the landlord's tenant selection criteria, such person shall vacate the dwelling unit no later than 30 days of the date the landlord gives such person written notice that his rental application has been rejected. If such person does not provide a copy of the protective order to the landlord and submit a rental application to the landlord within 10 days as required by this section, such person shall vacate the dwelling unit no later than 30 days of the date of the entry of such order. Such person shall be liable to the landlord for failure to vacate the dwelling unit as required in this section.

Any tenant obligated on a rental agreement shall pay the rent and otherwise comply with any and all requirements of the rental agreement, and any applicable laws and regulations. The landlord may pursue all of its remedies under the rental agreement and applicable laws and regulations, including filing an unlawful detainer action pursuant to § 8.01-126 to obtain a money judgment and to evict any persons residing in such dwelling unit.

C. A landlord who has received a copy of a court order in accordance with subsection A shall not provide copies of any keys to the dwelling unit to any person excluded from the premises by such order.

~~C. D.~~ This section shall not apply when the court order excluding a person was issued ex parte.

§ 55-248.18:1. Access following entry of certain court orders.

A. A tenant or authorized occupant who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant or authorized occupant to do so, provided:

1. Installation of the new lock or security devices does no permanent damage to any part of the dwelling unit; and

2. A duplicate copy of all keys and instructions of how to operate all devices are given to the landlord.

Upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas.

B. A person, who is not a tenant or authorized occupant in the dwelling unit and who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103

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60 granting such person possession of the premises to the exclusion of one or more co-tenants or
61 authorized occupants, may provide a copy of such order to the landlord and submit a rental application
62 to become a tenant in such dwelling unit within 10 days of the entry of such order. If such person's
63 rental application meets the landlord's tenant selection criteria, such person may become a tenant in
64 such dwelling unit under a written rental agreement. If such person submits a rental application and
65 does not meet the landlord's tenant selection criteria, such person shall vacate the dwelling unit no later
66 than 30 days of the date the landlord gives such person written notice that his rental application has
67 been rejected. If such person does not provide a copy of the protective order to the landlord and submit
68 a rental application to the landlord within 10 days as required by this section, such person shall vacate
69 the dwelling unit no later than 30 days of the date of the entry of such order. Such person shall be
70 liable to the landlord for failure to vacate the dwelling unit as required in this section.

71 Any tenant obligated on a rental agreement shall pay the rent and otherwise comply with any and all
72 requirements of the rental agreement, and any applicable laws and regulations. The landlord may
73 pursue all of its remedies under the rental agreement and applicable laws and regulations, including
74 filing an unlawful detainer action pursuant to § 8.01-126 to obtain a money judgment and to evict any
75 persons residing in such dwelling unit.

76 C. A landlord who has received a copy of a court order in accordance with subsection A shall not
77 provide copies of any keys to the dwelling unit to any person excluded from the premises by such
78 order.

79 ~~C.~~ D. This section shall not apply when the court order excluding a person was issued ex parte.