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HOUSE BILL NO. 2203

Offered January 11, 2017

Prefiled January 11, 2017

A *BILL to amend and reenact §§ 55-248.42:1 and 55-248.43 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55-248.42:2, relating to the Manufactured Home Lot Rental Act; notice to tenant of building code violation; renewal of lease.*

Patrons—Torian, Aird and Miller

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-248.42:1 and 55-248.43 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55-248.42:2 as follows:

§ 55-248.42:1. Term of rental agreement; renewal; security deposits.

A. A park owner shall offer all current and prospective year-round residents a rental agreement with a rental period of not less than one year. Such offer shall contain the same terms and conditions as are offered with shorter term leases, except that rental discounts may be offered by a park owner to residents who enter into a rental agreement for a period of not less than one year.

B. ~~Upon~~ *Except as provided in § 55-248.42:2, upon* the expiration of a rental agreement, such agreement shall be automatically renewed for a term of one year with the same terms unless the park operator provides written notice to the tenant of any change in the terms of the agreement at least ~~sixty~~ 60 days prior to the termination date *of the rental agreement*. In the event of an automatic renewal of a rental agreement involving a year-round resident, the security deposit initially furnished by the tenant shall not be increased by the park owner nor shall an additional security deposit be required.

C. Except as limited by subsection B ~~of this section~~, the provisions of § 55-248.15:1 shall govern the terms and conditions of security deposits for rental agreements under this chapter.

§ 55-248.42:2. Notice of uncorrected violations; automatic renewal provision not applicable.

A. *The landlord shall provide written notification to each year-round resident whose rental agreement is subject to the automatic renewal provision of any violations that have been cited by the locality in which the manufactured home park is located that involves the failure of the landlord to comply with the obligations imposed by subsection A of § 55-248.43 at least 60 days before the termination date of the rental agreement. The notice provided shall include estimated dates of completion of corrective work. If the violation cited by the locality has not been corrected within 30 days of the termination date, the automatic renewal provision of § 55-248.42:1 shall not be applicable.*

§ 55-248.43. Landlord's obligations.

A. The landlord shall:

1. Comply with applicable laws governing health, zoning, safety and other matters pertaining to manufactured home parks;

2. Make all repairs and do whatever is necessary to put and keep the manufactured home park in a fit and habitable condition, including, but not limited to, maintaining in a clean and safe condition all facilities and common areas provided by him for the use of tenants of two or more manufactured home lots;

3. Maintain in good and working order and condition all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances supplied or required to be supplied by him;

4. Provide and maintain appropriate receptacles as a manufactured home park facility, except when door to door garbage and waste pickup is available within the manufactured home park for the collection and storage of garbage and other waste incidental to the occupancy of the manufactured home park, and arrange for the removal of same; and

5. Provide reasonable access to electric, water and sewage disposal connections for each manufactured home lot. In the event of a planned disruption by the landlord in electric, water or sewage disposal services, the landlord shall give written notice to tenants no less than ~~forty-eight~~ 48 hours prior to the planned disruption in service.

B. *If a landlord is charged with any violation by the locality in which the manufactured home park is located that involves the failure of the landlord to comply with the obligations imposed by subsection A, the landlord shall give written notice to all tenants or any prospective tenant that the landlord has been charged with such violation. If the landlord fails to provide the notice required by this subsection, the tenant shall have the right to terminate the rental agreement upon written notice to the landlord at*

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59 *least five business days prior to the effective date of termination. If the tenant terminates the rental*
60 *agreement, the landlord shall make disposition of the tenant's security deposit in accordance with law or*
61 *the provisions of the rental agreement, whichever is applicable.*