

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 397

An Act to amend the Code of Virginia by adding a section numbered 36-7.2, relating to housing; housing authorities; notice of intent to demolish, liquidate, or otherwise dispose of housing projects.

[H 921]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 36-7.2 as follows:

§ 36-7.2. Notice of intent to demolish, liquidate, or otherwise dispose of housing projects.

A. Any housing authority required to submit an application to the U.S. Department of Housing and Urban Development (HUD) to demolish, liquidate, or otherwise dispose of a housing project shall serve a notice of intent to demolish, liquidate, or otherwise dispose of such housing project containing the requirements listed in subsection C at least 12 months prior to any application submission date to (i) the Virginia Department of Housing and Community Development, (ii) any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project, and (iii) each tenant residing in the housing project.

B. The authority shall also provide notice containing the requirements listed in subsection C to any prospective tenant who is offered a rental agreement subsequent to the initial notice sent pursuant to subsection A prior to the prospective tenant signing the rental agreement or paying any deposit.

C. Notice of intent to demolish, liquidate, or otherwise dispose of a housing project shall include:

1. The anticipated date upon which an application to demolish, liquidate, or otherwise dispose of the housing project will be submitted to HUD;

2. The name, address, and phone number of any local legal aid societies;

3. Instructions for requesting more information pertaining to the application process, timeline, and implications for the tenant; and

4. Instructions for submitting written comment to the housing authority regarding the demolition, liquidation, or disposal of the housing project.

D. During the 12-month period subsequent to the provision of the notice required by subsection A, the housing authority shall not (i) increase rent for any tenant above the amount authorized by any federal assistance program applicable to the housing project; (ii) change the terms of the rental agreement for any tenant, except as permitted under the existing rental agreement; or (iii) evict a tenant or demand possession of any dwelling unit in the housing project, except for a lease violation or violation of law that threatens the health and safety of the building residents.

E. Any party who is entitled to receive notice under this section may bring a civil action to enjoin action by the housing authority or recover actual damages for any violation of this section, including any court costs and reasonable attorney fees.

2. That the provisions of this act shall become effective on January 1, 2021.