

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding to Article 4 of Chapter 12 of Title 55.1 a section*  
3 *numbered 55.1-1244.1, relating to property; landlord and tenant; tenant's remedy by repair.*

[S 905]

Approved

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

7 **1. That the Code of Virginia is amended by adding to Article 4 of Chapter 12 of Title 55.1 a**  
8 **section numbered 55.1-1244.1 as follows:**

9 **§ 55.1-1244.1. Tenant's remedy by repair.**

10 *A. For purposes of this section, "actual costs" means (i) the amount paid on an invoice to a*  
11 *third-party licensed contractor or a licensed pesticide business by a tenant, local government, or*  
12 *nonprofit entity or (ii) the amount donated by a third-party contractor or pesticide business as reflected*  
13 *on such contractor's or pesticide business's invoice.*

14 *B. If (i) there exists in the dwelling unit a condition that constitutes a material noncompliance by the*  
15 *landlord with the rental agreement or with provisions of law or that, if not promptly corrected, will*  
16 *constitute a fire hazard or serious threat to the life, health, or safety of occupants of the premises,*  
17 *including an infestation of rodents or a lack of heat, hot or cold running water, light, electricity, or*  
18 *adequate sewage disposal facilities, and (ii) the tenant has notified the landlord of the condition in*  
19 *writing, the landlord shall take reasonable steps to make the repair or to remedy such condition within*  
20 *14 days of receiving notice from the tenant.*

21 *C. If the landlord does not take reasonable steps to repair or remedy the offending condition within*  
22 *14 days of receiving a tenant's notice pursuant to subsection B, the tenant may contract with a*  
23 *third-party contractor licensed by the Board for Contractors or, in the case of a rodent infestation, a*  
24 *pesticide business employing commercial applicators or registered technicians who are licensed,*  
25 *certified, and registered with the Department of Agriculture and Consumer Services pursuant to Chapter*  
26 *39 (§ 3.2-3900 et seq.) of Title 3.2, to repair or remedy the condition specified in the notice. A tenant*  
27 *who contracts with a third-party licensed contractor or pesticide business is entitled to recover the*  
28 *actual costs incurred for the work performed, not exceeding the greater of one month's rent or \$1,500.*  
29 *Unless the tenant has been reimbursed by the landlord, the tenant may deduct the actual costs incurred*  
30 *for the work performed pursuant to the contract with the third-party contractor or pesticide business*  
31 *after submitting to the landlord an itemized statement accompanied by receipts for purchased items and*  
32 *third-party contractor or pest control services.*

33 *D. A local government or nonprofit entity may procure the services of a third-party licensed*  
34 *contractor or pesticide business on behalf of the tenant pursuant to subsection B. Such assistance shall*  
35 *have no effect on the tenant's entitlement under this section to be reimbursed by the landlord or to make*  
36 *a deduction from the periodic rent.*

37 *E. A tenant may not repair a property condition at the landlord's expense under this section to the*  
38 *extent that (i) the property condition was caused by an act or omission of the tenant, an authorized*  
39 *occupant, or a guest or invitee; (ii) the landlord was unable to remedy the property condition because*  
40 *the landlord was denied access to the dwelling unit; or (iii) the landlord had already remedied the*  
41 *property condition prior to the tenant's contracting with a licensed third-party contractor or pesticide*  
42 *business pursuant to subsection C.*

ENROLLED

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