

2020 SPECIAL SESSION I

INTRODUCED

20200592D

SENATE BILL NO. 5086

Offered August 18, 2020

Prefiled August 17, 2020

A BILL to amend the Code of Virginia by adding in Title 55.1 a chapter numbered 31, consisting of sections numbered 55.1-3100 and 55.1-3101, relating to property and conveyances; state of emergency; Emergency Housing Stability Protection Act; emergency.

Patron—Bell

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 55.1 a chapter numbered 31, consisting of sections numbered 55.1-3100 and 55.1-3101, as follows:

CHAPTER 31.

EMERGENCY HOUSING STABILITY PROTECTION ACT.

§ 55.1-3100. Applicability.

The provisions of this chapter shall not be enforceable unless activated by executive order during a declared state of emergency expected to last longer than 60 days ("the emergency"). The provisions of this chapter shall cease to be active 120 days following the date on which the emergency was declared or 45 days following the date on which the Governor declares an end to the emergency, whichever is later, unless reactivated by executive order.

§ 55.1-3101. Rental housing stability payment plan.

A. Notwithstanding any provision of § 55.1-1245 or 55.1-1250 to the contrary, any tenant failing to pay rent within five days after written notice is served on him notifying the tenant of his nonpayment shall be eligible for a rental housing stability payment plan ("payment plan") pursuant to subsection B if he:

1. Requests to participate in a payment plan in writing within five days of receipt of notice of nonpayment;

2. Provides documentation demonstrating to the landlord a loss of income from a public or private source as a result of the emergency;

3. Did not have a court action for nonpayment of rent pending at the time the emergency was declared;

4. Has not previously participated in a payment plan during the emergency; and

5. Agrees to extend the terms of the current lease agreement upon request by the landlord month-to-month until the agreed-upon final payment plan due date if such date would fall after the lease termination date.

B. Upon request by an eligible tenant, the landlord shall provide to the tenant a payment plan agreement containing the following provisions:

1. Unless otherwise mutually agreed to by both parties, all payments shall be made to the landlord and received by the landlord on or before the fifth day of each month included in the payment plan in equal installments over 5 months, with the first payment due upon entrance into the payment plan.;

2. The landlord shall agree to waive all late fees throughout the duration of the payment plan;

3. The landlord may agree to extend the terms and conditions of the current lease agreement month-to-month until the agreed-upon final payment plan due date if such date would fall after the lease termination date;

4. All rental payments outside of those specifically contracted for under the payment plan shall continue to be made in accordance with the rental agreement.

C. If the tenant (i) fails to make any payment as contracted for under the payment plan by the established due date or (ii) after entering into the payment plan, fails to make rental payments within five days of the due date established by the rental agreement, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251.

D. Nothing in this section shall be construed to prohibit the landlord from filing an unlawful detainer for a non-rent violation against the tenant while such tenant is participating in a payment plan.

2. That an emergency exists and this act is in force from its passage.

INTRODUCED

SB5086