

2023 SESSION

INTRODUCED

23104058D

SENATE BILL NO. 1089

Offered January 11, 2023

Prefiled January 9, 2023

A BILL to amend and reenact § 8.01-471 of the Code of Virginia, relating to writs of eviction; returns to issuing clerk.

Patron—Ebbin

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-471 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-471. Time period for issuing writs of eviction in unlawful entry and detainer; when returnable.

Writs of eviction, in case of unlawful entry and detainer, shall be issued within 180 days from the date of judgment for possession and shall be made returnable within 30 days from the date of issuing the writ, *and any executed writ shall be returned to the issuing clerk by the sheriff executing such writ.* Notwithstanding any other provision of law, a writ of eviction not executed within 30 days from the date of issuance shall be vacated as a matter of law without further order of the court that entered the order of possession, and no further action shall be taken by the clerk. No writ shall issue, however, in cases under the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) if, following the entry of judgment for possession, the landlord has entered into a new written rental agreement with the tenant, as described in § 55.1-1250. A writ of eviction may be requested by the plaintiff or the plaintiff's attorney or agent.

2. That the Office of the Executive Secretary of the Supreme Court of Virginia shall report to the Chairmen of the Senate Committee on the Judiciary, the Senate Committee on General Laws and Technology, the House Committee for Courts of Justice, the House Committee on General Laws, and the Virginia Housing Commission on the number of executed writs returned pursuant to the requirements of § 8.01-471 of the Code of Virginia, as amended by this act. The first report shall be made by September 1, 2024, and shall include writs executed between July 1, 2023, and June 30, 2024. Subsequent reports shall be made annually thereafter.

3. That the Virginia Housing Commission shall convene a stakeholder work group to study a more comprehensive data collection process to track the resolution of writs of unlawful detainers filed in the Commonwealth.

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