

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: HB1635

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron: Bulova

3. Committee: General Laws

4. Title: Virginia Residential Landlord and Tenant Act; tenant remedies; uninhabitable dwelling unit.

5. Summary: Provides that a tenant may terminate the rental agreement and receive a full refund of all money paid to the landlord if, at the beginning of the tenancy, the tenant finds that the dwelling unit is not in a fit and habitable condition, so long as the tenant provides the landlord or the landlord's agent notice of his intent to terminate the rental agreement within five days of the date on which possession of the dwelling unit was to have transferred to the tenant. The bill requires the landlord to provide the tenant a full refund on or before the fifth day following the day on which the termination notice was delivered to the landlord or the landlord's agent and entitles the tenant to actual damages and reasonable attorney fees should the landlord fail to do so. The bill also allows any landlord who reasonably believes that the dwelling unit was kept in a fit and habitable condition and the tenant was unjustified in his termination of the rental agreement to contest such termination before a court of competent jurisdiction.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary.

8. Fiscal Implications: The Department of Housing and Community Development has no oversight or administrative obligations regarding the Virginia Residential Landlord and Tenant Act. The department does update and publish on its website the Landlord Tenant Handbook. Any legislative changes made to the Act will be updated, but the department can do so using current resources.

9. Specific Agency or Political Subdivisions Affected: Department of Housing and Community Development; courts.

10. Technical Amendment Necessary: No.

11. Other Comments: None.