

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1127

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Morrissey

3. Committee: Rehabilitation and Social Services

4. Title: Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement.

5. Summary: Provides that a landlord, prior to serving written notice on a tenant of his intention to terminate a rental agreement for noncompliance by the tenant with such rental agreement, must provide written notice of such intent to the Department of Social Services where an authorized occupant is (i) a dependent child younger than 18 years of age, with certain exceptions enumerated in the bill, or (ii) a mentally or physically incapacitated elderly person. The bill provides that the Department shall have five days after receiving such notice to determine if suitable housing assistance is available for the tenant. The bill also directs the Department to promulgate regulations to implement the provisions of the bill.

6. Budget Amendment Necessary:

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.

The fiscal impact of this bill on the Department of Social Services (DSS) is indeterminate. This legislation establishes a mandate that local departments of social services (LDSS) prioritize the response to a written notice received from a landlord within five days to subsequently determine if housing assistance is available for the tenant. DSS and LDSS do not have housing assistance programs, and DSS does not have expertise in Title 55 property and conveyance matters. The potential number of children under 18 years of age that are impacted by an impending eviction and would be eligible to receive available housing assistance in the community is unknown, and the number of mentally or physically incapacitated elderly persons is also unknown. DSS cannot determine the additional required time needed on behalf of LDSS to respond and determine if relevant housing assistance is available for the individual and dependent child. LDSS prioritize the identification,

assessment, investigation, and treatment of abused or neglected children. The requirements in this bill may impact the response of LDSS in the provision of services to children who have experienced maltreatment. Therefore, the fiscal impact to the DSS and LDSS is indeterminate.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.