

24100044D

HOUSE BILL NO. 192

Offered January 10, 2024

Prefiled January 3, 2024

A *BILL to amend the Code of Virginia by adding in Chapter 12 of Title 55.1 an article numbered 8, consisting of sections numbered 55.1-1263 through 55.1-1266, relating to Landlord and Tenant Fairness Act established.*

Patron—Martinez

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 12 of Title 55.1 an article numbered 8, consisting of sections numbered 55.1-1263 through 55.1-1266, as follows:

*Article 8.**Landlord and Tenant Fairness Act.***§ 55.1-1263. Scope.**

The provisions of this article shall apply to any landlord who owns more than nine rental dwelling units or more than a 10 percent interest in more than nine rental dwelling units, whether individually or through a business entity, in the Commonwealth.

§ 55.1-1264. Advertising requirements.

If a landlord advertises the availability of a rental dwelling unit for occupancy, he shall identify with specificity the timeline for when such dwelling unit will be available, as follows: (i) immediately, which shall be defined as within 14 or fewer calendar days; (ii) in 30 days; (iii) in 60 days; or (iv) in 90 or more days. For purposes of this section, advertising shall include print, Internet, radio, television, or social media.

§ 55.1-1265. Application fee; additional information.

A. A landlord may require a refundable application fee not to exceed \$50; however, no landlord may charge multiple application fees during any consecutive 60-day period to any applicant who submits an application for multiple dwelling units owned by such landlord. If a landlord accepts an applicant's application fee and (i) no rental dwelling units are available for occupancy, (ii) the landlord misrepresented the dwelling unit in the advertisement, or (iii) no application check was processed, the landlord shall refund the full amount of the application fee within 45 days from the date of the original payment, in the same manner in which the payment was received.

B. A landlord may request that a prospective tenant provide information that will enable the landlord to determine whether each applicant may become a tenant; however, such landlord shall disclose to the applicant in advance and in writing the full scope of the information that will be verified during the process. The landlord may photocopy each applicant's driver's license or other similar photo identification, containing either the applicant's social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342. However, a landlord shall not photocopy a U.S. government-issued identification so long as to do so is a violation of 18 U.S.C. § 701. The landlord may require, for the purpose of determining whether each applicant is eligible to become a tenant in the landlord's dwelling unit, that each applicant provide a social security number issued by the U.S. Social Security Administration or an individual taxpayer identification number issued by the U.S. Internal Revenue Service.

§ 55.1-1266. Terms of rental agreements; changes; termination; notice.

A. No unilateral change in the terms of a rental agreement by a landlord or tenant, including increases in the rental amount, shall be valid unless (i) notice of the change is given in accordance with the terms of the rental agreement or as otherwise required by law and (ii) both parties consent in writing to the change.

B. A landlord shall be required to provide written notice to any tenant who has the option to renew a rental agreement or whose rental agreement contains an automatic renewal provision of any increase in rent during the subsequent rental agreement term. Such notice shall be provided to the tenant no less than 90 days prior to the end of the rental agreement term. This subsection shall not apply to any periodic tenancy created pursuant to subsection C of § 55.1-1253.

C. If the rental vacancy rate for a locality is less than 10 percent during the previous calendar year and the Consumer Price Index as reported by the Bureau of Labor Statistics of the U.S. Department of Labor is greater than five percent, any rent increase imposed by a landlord shall be no greater than one percent over the Consumer Price Index.

59 D. A landlord shall provide written notice 90 days before terminating the rental agreement or
60 making any material changes that would adversely affect the ability for the tenant to continue living in
61 the rental dwelling unit. A tenant who wishes to vacate the premises before the end of the rental
62 agreement term shall provide the landlord with 30 days' notice in a manner prescribed by the landlord.
63 E. A landlord may terminate the rental agreement before the end of the rental agreement term
64 pursuant to the provisions of § 55.1-1245 if there is a material noncompliance by the tenant with the
65 rental agreement or a violation of § 55.1-1227 materially affecting health and safety.