

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 55.1-1243.2, relating to Virginia*
3 *Residential Landlord and Tenant Act; tenant's remedies for exclusion from dwelling unit due to*
4 *condemnation.*

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6 Approved

[H 957]

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That the Code of Virginia is amended by adding a section numbered 55.1-1243.2 as follows:**9 **§ 55.1-1243.2. Tenant's remedies for exclusion from dwelling unit due to condemnation.**

10 *A. If the tenant gave notice to the landlord during the tenancy that his dwelling unit was in violation*
11 *of an applicable building code, such violation posed a substantial risk to the health, safety, or welfare*
12 *of a tenant, and such violation resulted in the tenant being excluded from his dwelling unit due to such*
13 *unit being condemned, the landlord shall be liable to the tenant for actual damages and reasonable*
14 *attorney fees. The landlord shall also return to the tenant any (i) prepaid rent that had not become due*
15 *as of the date of condemnation, (ii) security deposit, or (iii) rent paid, if any, to the landlord subsequent*
16 *to the unit being condemned.*

17 *B. No landlord shall be liable pursuant to this section if:*

18 *1. The condemnation of the dwelling unit was caused by (i) the deliberate or negligent act or*
19 *omission of the tenant, an authorized occupant, or a guest or invitee of the tenant or (ii) an act of God;*
20 *or*

21 *2. The lease was properly terminated pursuant to § 55.1-1240.*

ENROLLED

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