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SENATE BILL NO. 884  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on General Laws  
on \_\_\_\_\_)

(Patron Prior to Substitute—Senator Perry)

A BILL to amend and reenact § 55.1-1236 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; early termination of rental agreement; victims of family abuse, sexual abuse or criminal sexual assault, stalking, or human trafficking.

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1236 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1236. Early termination of rental agreements by victims of family abuse, sexual abuse or other criminal sexual assault, or stalking.

A. Any tenant who is a victim of (i) family abuse as defined by § 16.1-228, (ii) sexual abuse as defined by § 18.2-67.10; or ~~(iii)~~ other criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, (iii) stalking in violation of § 18.2-60.3, or (iv) trafficking in violation of Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 may terminate such tenant's obligations under a rental agreement under the following circumstances:

1. The victim has obtained an order of protection pursuant to § 16.1-253.1 or 16.1-279.1 during the term of an active and current rental agreement and has given written notice of termination in accordance with subsection B during the period of the protective order or any extension thereof;

2. The victim has obtained a preliminary protective order pursuant to § 19.2-152.9 or a permanent protective order pursuant to § 19.2-152.10 during the term of an active and current rental agreement and has given written notice of termination in accordance with subsection B during the period of the protective order or any extension thereof; or

3. A court has entered an order convicting a perpetrator of, or a magistrate, law-enforcement agency, grand jury, special grand jury, or court has issued a warrant, summons, information, or indictment charging a person with, any crime of sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, sexual abuse as defined by § 18.2-67.10, or family abuse as defined by § 16.1-228, stalking in violation of § 18.2-60.3, or trafficking in violation of Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 against the victim during the term of an active and current rental agreement and the victim gives written notice of termination in accordance with subsection B. A victim may exercise a right of termination under this section to terminate a rental agreement in effect when the conviction order is entered and one subsequent rental agreement based upon the same conviction.

B. A tenant who qualifies to terminate such tenant's obligations under a rental agreement pursuant to subsection A shall do so by serving on the landlord a written notice of termination to be effective 30 28 days after the tenant serves the termination notice on the landlord. The tenant shall also provide the landlord with a copy of (i) the order of protection issued or (ii) the conviction order, warrant, summons, information, or indictment.

C. The rent shall be payable at such time as would otherwise have been required by the terms of the rental agreement through the effective date of the termination as provided in subsection B.

D. The landlord may not charge any liquidated damages.

E. The victim's obligations as a tenant under § 55.1-1227 shall continue through the effective date of the termination as provided in subsection B. Any co-tenants on the lease with the victim shall remain responsible for the rent for the balance of the term of the rental agreement. If the perpetrator is the remaining sole tenant obligated on the rental agreement, the landlord may terminate the rental agreement and collect actual damages for such termination against the perpetrator pursuant to § 55.1-1251.

HOUSE SUBSTITUTE

SB884HC1

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