

## 1 SENATE BILL NO. 77

## 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee for Courts of Justice

4 on \_\_\_\_\_)

5 (Patron Prior to Substitute—Senator VanValkenburg)

6 *A BILL to amend the Code of Virginia by adding a section numbered 55.1-304.1, relating to repairs or*  
7 *maintenance of property; entering adjoining property; petition for entry.*

## 8 SENATE BILL NO.77

9 **Be it enacted by the General Assembly of Virginia:**10 **1. That the Code of Virginia is amended by adding a section numbered 55.1-304.1 as follows:**11 **§ 55.1-304.1. Repairs or maintenance of property; entering adjoining property; petition for entry.**

12 *When an owner of real property seeks to repair or maintain the exterior of his property and the property*  
13 *is so situated that it is impossible to perform the repairs or maintenance without entering adjoining property*  
14 *and permission to enter the adjoining property has been denied, or unreasonable conditions have been*  
15 *placed upon the entry, the owner seeking to make the repairs or maintenance may petition the circuit court*  
16 *for a right of entry to the adjoining property for the purpose of performing the repairs or maintenance. The*  
17 *petition and affidavits, if any, shall state (i) the specific repairs or maintenance the owner seeks to make to*  
18 *his property, (ii) what efforts were made by the owner to obtain permission to access the adjoining property*  
19 *for the purpose of conducting such repairs or maintenance, (iii) any reason that conducting such repairs or*  
20 *maintenance without entering the adjoining property is impossible, (iv) the date on which entry is sought, (v)*  
21 *who or what service provider will be accessing the adjoining property to perform such repairs or*  
22 *maintenance, and (vi) proof that such service provider is properly licensed and insured. Upon a finding that*  
23 *an owner has made a good faith effort to obtain permission to enter the adjoining property, and provided that*  
24 *a copy of the petition has been properly served on the adjoining property owner in accordance with Article 4*  
25 *(§ 8.01-296 et seq.) of Chapter 8 of Title 8.01, such right of entry may be granted by the court upon such*  
26 *terms as justice requires, including a requirement that the petitioning owner file a bond. No such entry shall*  
27 *be deemed a trespass. The petitioning owner shall be required to return the adjoining property to its previous*  
28 *condition and shall be liable to the adjoining owner or his lessee for actual damages occurring as a result of*  
29 *the entry.*