

HOUSE BILL NO. 79
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on General Laws
on _____)
(Patron Prior to Substitute—Delegate Price)

A BILL to amend and reenact § 55.1-1259 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; actions to enforce chapter.

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1259 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1259. Actions to enforce chapter.

A. In addition to any other remedies in this chapter, any person adversely affected by an act or omission prohibited under this chapter may institute an action for injunction and damages against the person responsible for such act or omission in the circuit court in the county or city in which such act or omission occurred. *Such an action may be brought at law or in equity and may sound in contract, in tort, or both.* If the court finds that the defendant was responsible for such act or omission, it shall enjoin the defendant from continuance of such practice, and in its discretion award the plaintiff damages as provided in this section.

B. The duties imposed upon a landlord pursuant to this chapter, including the obligations set forth in § 55.1-1220 and any other provision requiring a landlord to maintain a premises in a fit and habitable condition, are duties imposed by law for the protection of the life, health, safety, and property of tenants, authorized occupants, and guests or invitees. A landlord shall exercise ordinary care in performing, and in refraining from unreasonably delaying or withholding, any repair or maintenance required by this chapter or pursuant to the rental agreement.

C. For purposes of this section and any other provision of this chapter authorizing the recovery of damages or actual damages, such damages shall be construed broadly to include all forms of compensatory damages available under the laws of the Commonwealth, including, where proven, both economic and noneconomic loss. Any person who suffers loss as the result of a violation of this chapter shall be entitled to initiate an action to recover actual damages, or \$500, whichever is greater. If the trier of fact finds that the violation was willful, it may increase damages to an amount not exceeding three times the actual damages sustained, or \$1,000, whichever is greater.