Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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Bill Number: SB373E **Patron:** Boysko
Bill Title: Virginia Residential Landlord and Tenant Act; noncompliance as defense to action for possession for nonpayment of rent.

Bill Summary: Removes the provision requiring that a tenant in possession of a dwelling unit, prior to asserting a defense against an action for rent or possession, pay into court the amount of rent found by the court to be due and unpaid and for such amount to be held by the court pending the issuance of an order. The bill also limits the discretion of the court in actions for possession based upon nonpayment of rent and actions for rent by a landlord when the tenant is in possession of a dwelling unit. Finally, the bill allows a landlord to update the amount claimed at trial to include rent that accrued after filing.

Budget Amendment Necessary: **No.** **Items Impacted:** **N/A**

Explanation: This bill involves the Department of Housing and Community Development (DHCD) and the Courts; however, no budget action is required. See Fiscal Analysis section, below.

Fiscal Summary: It is anticipated that any state fiscal impact that may result from this bill to DHCD can be absorbed within existing resources. Any fiscal impact that may result from this bill to the Courts is indeterminate.

Fiscal Analysis: DHCD has no oversight or administrative obligations regarding the Virginia Residential Landlord and Tenant Act. The department does update and publish on its website the Landlord Tenant Handbook. Any legislative changes made to the Act will be updated, but the department can do so using current resources.

Any impact to the Courts as a result of this bill is indeterminate, as it depends on the number of parties that pursue damages. Cumulatively, this bill and similar proposed legislation may result in a nonabsorbable impact to the Courts.

Other: None.