

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 55.1-1259 of the Code of Virginia, relating to Virginia Residential Landlord*
3 *and Tenant Act; enforcement by localities.*

4 [S 290]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

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

8 **§ 55.1-1259. Actions to enforce chapter.**

9 A. In addition to any other remedies in this chapter, any person adversely affected by an act or omission
10 prohibited under this chapter may institute an action for injunction and damages against the person
11 responsible for such act or omission in the circuit court in the county or city in which such act or omission
12 occurred. If the court finds that the defendant was responsible for such act or omission, it shall enjoin the
13 defendant from continuance of such practice; and, in its discretion, award the plaintiff damages as provided in
14 this section.

15 B. *If a condition exists in a dwelling unit that constitutes a material noncompliance by the landlord with*
16 *the rental agreement or with any provision of law that, if not remedied within a reasonable time frame,*
17 *constitutes a fire hazard or serious threat to the life, health, or safety of a tenant or occupant of the premises,*
18 *including infestation of rodents or a lack of heat, hot or cold running water, electricity, or adequate sewage*
19 *disposal facilities, a locality may institute an action on behalf of any tenant or occupant of the premises who*
20 *is injured by such material noncompliance for injunction and damages in the circuit court in the county or*
21 *city in which the dwelling unit is located to enforce the landlord's duty to maintain the dwelling unit in a fit*
22 *and habitable condition, provided that (i) the premises where the violation occurred is within the*
23 *jurisdictional boundaries of the locality and (ii) the locality has notified the landlord who owns the premises,*
24 *either directly or through the managing agent, of the nature of the violation and the landlord has failed to*
25 *remedy the violation to the satisfaction of the locality within a reasonable time frame after receiving such*
26 *notice. If the court finds that the landlord failed to maintain the dwelling unit in a fit and habitable condition,*
27 *it shall enjoin the landlord from continuance of such practice and, in its discretion, award damages to any*
28 *tenant or occupant of the premises on behalf of whom the action was brought.*

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