

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 36-139 and 55.1-1209 of the Code of Virginia, relating to Department of Housing and Community Development; Virginia Residential Landlord and Tenant Act; tenant records.

[H 616]

Approved

Be it enacted by the General Assembly of Virginia:
1. That §§ 36-139 and 55.1-1209 of the Code of Virginia are amended and reenacted as follows:
§ 36-139. Powers and duties of Director.

The Director of the Department of Housing and Community Development shall have the following responsibilities:

1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their planning and development activities, boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as he may deem necessary.

2. Making information available to communities, planning district commissions, service districts and governmental subdivisions of the Commonwealth.

3. Providing professional and technical assistance to, and cooperating with, any planning agency, planning district commission, service district, and governmental subdivision engaged in the preparation of development plans and programs, service district plans, or consolidation agreements.

4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the General Assembly in accordance with § 15.2-4216.

5. Administering federal grant assistance programs, including funds from the Appalachian Regional Commission, the Economic Development Administration and other such federal agencies, directed at promoting the development of the Commonwealth's communities and regions.

6. Developing state community development policies, goals, plans and programs for the consideration and adoption of the Board with the ultimate authority for adoption to rest with the Governor and the General Assembly.

7. Developing a Consolidated Plan to guide the development and implementation of housing programs and community development in the Commonwealth for the purpose of meeting the housing and community development needs of the Commonwealth and, in particular, those of low-income and moderate-income persons, families and communities.

8. Determining present and future housing requirements of the Commonwealth on an annual basis and revising the Consolidated Plan, as necessary to coordinate the elements of housing production to ensure the availability of housing where and when needed.

9. Assuming administrative coordination of the various state housing programs and cooperating with the various state agencies in their programs as they relate to housing.

10. Establishing public information and educational programs relating to housing; devising and administering programs to inform all citizens about housing and housing-related programs that are available on all levels of government; designing and administering educational programs to prepare families for home ownership and counseling them during their first years as homeowners; and promoting educational programs to assist sponsors in the development of low and moderate income housing as well as programs to lessen the problems of rental housing management.

11. Administering the provisions of the Industrialized Building Safety Law (§ 36-70 et seq.).

12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

13. Establishing and operating a Building Code Academy for the training of persons in the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by the Board of Housing and Community Development.

14. Administering, in conjunction with the federal government, and promulgating any necessary regulations regarding energy standards for existing buildings as may be required pursuant to federal law.

15. Identifying and disseminating information to local governments about the availability and utilization of federal and state resources.

16. Administering, with the cooperation of the Department of Health, state assistance programs for public water supply systems.

17. Advising the Board on matters relating to policies and programs of the Virginia Housing Trust Fund.

18. Designing and establishing program guidelines to meet the purposes of the Virginia Housing Trust Fund and to carry out the policies and procedures established by the Board.

19. Preparing agreements and documents for loans and grants to be made from the Virginia Housing Trust

57 Fund; soliciting, receiving, reviewing and selecting the applications for which loans and grants are to be
58 made from such fund; directing the Virginia Housing Development Authority and the Department as to the
59 closing and disbursing of such loans and grants and as to the servicing and collection of such loans; directing
60 the Department as to the regulation and monitoring of the ownership, occupancy and operation of the housing
61 developments and residential housing financed or assisted by such loans and grants; and providing direction
62 and guidance to the Virginia Housing Development Authority as to the investment of moneys in such fund.

63 20. Establishing and administering program guidelines for a statewide homeless intervention program.

64 21. Administering 15 percent of the Low Income Home Energy Assistance Program (LIHEAP) Block
65 Grant and any contingency funds awarded and carry over funds, furnishing home weatherization and
66 associated services to low-income households within the Commonwealth in accordance with applicable
67 federal law and regulations.

68 22. Developing a strategy concerning the expansion of affordable, accessible housing for older Virginians
69 and Virginians with disabilities, including supportive services.

70 23. Serving as the Executive Director of the Commission on Local Government as prescribed in
71 § 15.2-2901 and perform all other duties of that position as prescribed by law.

72 24. Developing a strategy, in consultation with the Virginia Housing Development Authority, for the
73 creation and implementation of housing programs and community development for the purpose of meeting
74 the housing needs of persons who have been released from federal, state, and local correctional facilities into
75 communities.

76 25. Administering the Private Activity Bonds program in Chapter 50 (§ 15.2-5000 et seq.) of Title 15.2
77 jointly with the Virginia Small Business Financing Authority and the Virginia Housing Development
78 Authority.

79 26. Developing a statement of tenant rights and responsibilities explaining in plain language the rights and
80 responsibilities of tenants under the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) and
81 maintaining such statement on the Department's website. The Director shall also develop and maintain on the
82 Department's website a printable form to be signed by the parties to a written rental agreement
83 acknowledging that the tenant has received from the landlord the statement of tenant rights and
84 responsibilities as required by § 55.1-1204. The Director may at any time amend the statement of tenant
85 rights and responsibilities and such printable form as the Director deems necessary and appropriate. The
86 statement of tenant rights and responsibilities shall contain a plain language explanation of the rights and
87 responsibilities of tenants in at least 14-point type. The statement shall provide the telephone number and
88 website address for the statewide legal aid organization and direct tenants with questions about their rights
89 and responsibilities to contact such organization.

90 27. Developing a statement of tenant rights and responsibilities explaining in plain language the rights and
91 responsibilities of tenants under the Virginia Manufactured Home Lot Rental Act (§ 55.1-1300 et seq.) and
92 maintaining such statement on the Department's website. The Director shall also develop and maintain on the
93 Department's website a printable form to be signed by the parties to a written rental agreement
94 acknowledging that the tenant has received from the landlord the statement of tenant rights and
95 responsibilities as required by § 55.1-1303. The Director may at any time amend the statement of tenant
96 rights and responsibilities and such printable form as the Director deems necessary and appropriate. The
97 statement of tenant rights and responsibilities shall contain a plain language explanation of the rights and
98 responsibilities in at least 14-point type. The statement shall provide the telephone number and website
99 address for the statewide legal aid organization and direct tenants with questions about their rights and
100 responsibilities to contact such organization.

101 28. Developing a sample termination notice that includes language referencing acceptance of rent with
102 reservation by a landlord following a breach of a lease by a tenant in accordance with § 55.1-1250. The
103 sample termination notice shall be in at least 14-point type and shall be maintained on the Department's
104 website.

105 29. Developing and operating a Virginia Residential Sites and Structures Locator database to assist
106 localities in marketing any structures and parcels determined by the locality to be suitable for future
107 residential or mixed-use development or redevelopment and that are under (i) public ownership, (ii) public
108 and private ownership, or (iii) private ownership if the owner or owners have authorized the locality to
109 market the structure or parcel for future residential or mixed-use development or redevelopment purposes.

110 30. Conducting a comprehensive statewide housing needs assessment at least every five years, which shall
111 include (i) a review of housing cost burden and instability, supply and demand for affordable rental housing,
112 and supply and demand for affordable for-sale housing and (ii) regional or local profiles that focus on specific
113 housing needs of particular regions or localities.

114 31. Developing a statewide housing plan that reflects the findings of the statewide housing needs
115 assessment conducted pursuant to subdivision 30, which plan shall include measurable goals and be updated
116 at least every five years to reflect changes in the Commonwealth's housing goals, and providing an annual
117 report to the General Assembly on progress toward meeting the goals identified in such plan and the
118 availability of housing that is accessible to people with disabilities.

119 32. Collecting reports submitted by localities pursuant to § 36-139.9 in any manner prescribed by the
120 Department, including any forms developed by the Department to collect the information required to be
121 reported by the localities pursuant to such section and publishing such reports on its website.

122 33. *Developing a standardized printable template, based on the input of relevant stakeholders, that a*
123 *landlord may use to provide a tenant a written statement pursuant to subsection F of § 55.1-1209 itemizing*
124 *all charges and payments to the account, including any application fee, application deposit, security deposit,*
125 *rent, and additional charges that comprise rent. The Director shall maintain such template on the*
126 *Department's website. The Director may develop a plain language explanation of the purpose of such*
127 *template available to the public for educational use.*

128 34. Carrying out such other duties as may be necessary and convenient to the exercise of powers granted
129 to the Department.

130 **§ 55.1-1209. Confidentiality of tenant records.**

131 A. No landlord or managing agent shall release information about a tenant or prospective tenant in the
132 possession of the landlord or managing agent to a third party unless:

- 133 1. The tenant or prospective tenant has given prior written consent;
- 134 2. The information is a matter of public record as defined in § 2.2-3701;
- 135 3. The information is a summary of the tenant's rent payment record, including the amount of the tenant's
136 periodic rent payment;

137 4. The information is a copy of a material noncompliance notice that has not been remedied or a
138 termination notice given to the tenant under § 55.1-1245 and the tenant did not remain in the premises after
139 such notice was given;

140 5. The information is requested by a local, state, or federal law-enforcement or public safety official in the
141 performance of his duties;

142 6. The information is requested pursuant to a subpoena in a civil case;

143 7. The information is requested by a local commissioner of the revenue in accordance with § 58.1-3901;

144 8. The information is requested by a contract purchaser of the landlord's property, provided that the
145 contract purchaser agrees in writing to maintain the confidentiality of such information;

146 9. The information is requested by a lender of the landlord for financing or refinancing of the property;

147 10. The information is requested by the commanding officer, military housing officer, or military attorney
148 of the tenant;

149 11. The third party is the landlord's attorney or the landlord's collection agency;

150 12. The information is otherwise provided in the case of an emergency;

151 13. The information is requested by the landlord to be provided to the managing agent or a successor to
152 the managing agent; or

153 14. The information is requested by an employee or independent contractor of the United States to obtain
154 census information pursuant to federal law.

155 B. Any information received by a landlord pursuant to § 55.1-1203 shall remain a confidential tenant
156 record and shall not be released to any person except in response to a subpoena.

157 C. A tenant may designate a third party to receive duplicate copies of a summons that has been issued
158 pursuant to § 8.01-126 and of written notices from the landlord relating to the tenancy. Where such a third
159 party has been designated by the tenant, the landlord shall mail the duplicate copy of any summons issued
160 pursuant to § 8.01-126 or notice to the designated third party at the same time the summons or notice is
161 mailed to or served upon the tenant. Nothing in this subsection shall be construed to grant standing to any
162 third party designated by the tenant to challenge actions of the landlord in which notice was mailed pursuant
163 to this subsection. The failure of the landlord to give notice to a third party designated by the tenant shall not
164 affect the validity of any judgment entered against the tenant.

165 D. A landlord or managing agent may enter into an agreement with a third-party service provider to
166 maintain tenant records in electronic form or other medium. In such case, the landlord and managing agent
167 shall not be liable under this section in the event of a breach of the electronic data of such third-party service
168 provider, except in the case of gross negligence or intentional act. Nothing in this section shall be construed
169 to require a landlord or managing agent to indemnify such third-party service provider.

170 E. A tenant may request a copy of his tenant records in paper or electronic form. If the rental agreement so
171 provides, a landlord may charge a tenant requesting more than one copy of his records the actual costs of
172 preparing copies of such records. However, if the landlord makes available tenant records to each tenant by
173 electronic portal, the tenant shall not be required to pay for access to such portal.

174 F. *If a tenant requests in writing a copy of his tenant records pursuant to subsection E, the landlord shall*
175 *provide within 10 business days, either in writing or via an electronic portal available at no charge to the*
176 *tenant, a written statement of charges and payments over the course of the tenancy or the past 12 months,*
177 *whichever is shorter, including any application fee, application deposit, security deposit, rent, and additional*
178 *charges that comprise rent in accordance with the rental agreement. If the rental agreement provides for the*
179 *use of submetering equipment or energy allocation equipment, as those terms are defined in § 56-245.2, or a*
180 *ratio utility billing system as defined in § 55.1-1212, such statement shall also disclose any such allocation*

181 *method and itemize debits and credits incurred by the tenant for energy and utility bills and any additional*
182 *charges permitted pursuant to subsections C and D of § 55.1-1212. The landlord may use the template*
183 *developed pursuant to subdivision 33 of § 36-139 to create such written statement. The provisions of this*
184 *subsection shall not apply to any landlord that owns fewer than four rental dwelling units or less than a 10*
185 *percent interest in more than four rental dwelling units, whether individually or through a business entity, in*
186 *the Commonwealth unless such landlord receives any state or local rental or utility assistance funds on*
187 *behalf of the tenant.*

188 **2. That the Director of the Department of Housing and Community Development, in developing the**
189 **standardized printable template pursuant to subdivision 33 of § 36-139 of the Code of Virginia, as**
190 **amended by this act, shall consider the input from relevant stakeholders including the Virginia**
191 **Apartment Management Association, the Apartment and Office Building Association of Metropolitan**
192 **Washington, and the Virginia Poverty Law Center.**

193 **3. That the provisions of this act shall become effective on July 1, 2027.**