SENATE BILL NO. _____ HOUSE BILL NO. ____ 1 A BILL to amend and reenact § 55.1-1236 of the Code of Virginia, relating to Virginia Residential 2 Landlord and Tenant Act; early termination of rental agreement; victims of family abuse, sexual 3 abuse or criminal sexual assault, or stalking. 4 Be it enacted by the General Assembly of Virginia: 1. That § 55.1-1236 of the Code of Virginia is amended and reenacted as follows: 5 6 § 55.1-1236. Early termination of rental agreements by victims of family abuse, sexual abuse 7 or other criminal sexual assault, or stalking. 8 A. Any tenant who is a victim of (i) family abuse as defined by § 16.1-228, (ii) sexual abuse as 9 defined by § 18.2-67.10, or (iii) other criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 10 4 of Title 18.2, or (iii) stalking pursuant to § 18.2-60.3 may terminate such tenant's obligations under a 11 rental agreement under the following circumstances: **12** 1. The victim has obtained an order of protection pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-13 279.1 and has given written notice of termination in accordance with subsection B during the period of 14 the protective order or any extension thereof; 15 2. The victim has obtained an emergency protective order pursuant to § 19.2-152.8, a preliminary protective order pursuant to § 19.2-152.9, or a permanent protective order pursuant to § 19.2-152.10 and **16 17** has given written notice of termination in accordance with subsection B during the period of the protective 18 order or any extension thereof; or 3. A court has entered an order convicting a perpetrator of A magistrate, law enforcement agency, 19 **20** grand jury, special grand jury, or court has issued a warrant, summons, information, or indictment, 21 charging any crime of sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, sexual 22 abuse as defined by § 18.2-67.10, or family abuse as defined by § 16.1-228, or stalking pursuant to § 18.2-23 60.3 against the victim and the victim gives written notice of termination in accordance with subsection 24 B. A victim may exercise a right of termination under this section to terminate a rental agreement in effect 25 when the conviction order is entered and one subsequent rental agreement based upon the same conviction.

B. A tenant who qualifies to terminate such tenant's obligations under a rental agreement pursuant to subsection A shall do so by serving on the landlord a written notice of termination to be effective 30 days after the tenant serves the termination notice on the landlord. The tenant shall also provide the landlord with a copy of (i) the order of protection issued or (ii) the conviction order warrant, summons, information, or indictment.

- C. The rent shall be payable at such time as would otherwise have been required by the terms of the rental agreement through the effective date of the termination as provided in subsection B.
 - D. The landlord may not charge any liquidated damages.
- E. The victim's obligations as a tenant under § 55.1-1227 shall continue through the effective date of the termination as provided in subsection B. Any co-tenants on the lease with the victim shall remain responsible for the rent for the balance of the term of the rental agreement. If the perpetrator is the remaining sole tenant obligated on the rental agreement, the landlord may terminate the rental agreement and collect actual damages for such termination against the perpetrator pursuant to § 55.1-1251.

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