

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, stalking, or human trafficking.

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

5 **1. That § 55.1-1236 of the Code of Virginia is amended and reenacted as follows:**

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, (iii) stalking pursuant to § 18.2-60.3, or (iv) trafficking in violation of Article 3 (§ 18.2-
11 344 et seq.) of Chapter 8 of Title 18.2 may terminate such tenant's obligations under a rental agreement
12 under the following circumstances:

13 1. The victim has obtained an order of protection pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-
14 279.1 during the term of an active and current rental agreement and has given written notice of termination
15 in accordance with subsection B during the period of the protective order or any extension thereof;

16 2. The victim has obtained an emergency protective order pursuant to § 19.2-152.8, a preliminary
17 protective order pursuant to § 19.2-152.9, or a permanent protective order pursuant to § 19.2-152.10 during
18 the term of an active and current rental agreement and has given written notice of termination in
19 accordance with subsection B during the period of the protective order or any extension thereof; or

20 3. A court has entered an order convicting a perpetrator of, or a magistrate, law-enforcement
21 agency, grand jury, special grand jury, or court has issued a warrant, summons, information, or indictment
22 charging a person with, any crime of sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of
23 Title 18.2, sexual abuse as defined by § 18.2-67.10, ~~or~~ family abuse as defined by § 16.1-228, stalking
24 pursuant to § 18.2-60.3, or trafficking in violation of Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title
25 18.2 against the victim during the term of an active and current rental agreement and the victim gives

26 written notice of termination in accordance with subsection B. A victim may exercise a right of termination
27 under this section to terminate a rental agreement in effect when the conviction order is entered and one
28 subsequent rental agreement based upon the same conviction.

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

34 C. The rent shall be payable at such time as would otherwise have been required by the terms of
35 the rental agreement through the effective date of the termination as provided in subsection B.

36 D. The landlord may not charge any liquidated damages.

37 E. The victim's obligations as a tenant under § 55.1-1227 shall continue through the effective date
38 of the termination as provided in subsection B. Any co-tenants on the lease with the victim shall remain
39 responsible for the rent for the balance of the term of the rental agreement. If the perpetrator is the
40 remaining sole tenant obligated on the rental agreement, the landlord may terminate the rental agreement
41 and collect actual damages for such termination against the perpetrator pursuant to § 55.1-1251.

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