



APARTMENT & OFFICE
BUILDING ASSOCIATION
OF METROPOLITAN
WASHINGTON

VIRGINIA LANDLORD & TENANT LAW SEMINAR

JUNE 6, 2024

**SHULMAN
ROGERS**

The Virginia Legislature passed several bills that become law and go into effect on July 1, 2024.

Keeping up with these changes is important and can help ensure your property is complying with Virginia law.

Summary:

- Amendments to unlawful detainers – future rent, charges, etc.
- Required notice for routine maintenance
- Updates to towing laws
- Landlord’s permission required for short-term stays
- Mandatory fee disclosure statement
- Requirements for providing copies of leases
- Updates to early termination for military members/abuse victims
- Damages to tenant if unit condemned
- Expungement for unlawful detainers
- Expanded housing choice voucher tax credit
- Potential prohibition on electronic fund transfer (“EFT”) fees – pending for 2025
- Vetoed bills expected to be reintroduced

Amendments to Unlawful Detainers - future rent, additional charges, and implications on filing

- Importance of additional amounts due
- Notice to tenants
- End of month updates
- New form for July 1st

Required Notice for Routine Maintenance

- 72 hours' notice to enter
- Exceptions – maintenance, emergency, or otherwise impractical
- Routine maintenance must be performed within 14 days of notice



Updates to Towing Laws



- Towing companies obligated to post 48 hours' notice for expired registration/inspection
- Copies to landlord, complaints should be directed to towing company
- Towing laws implemented through local ordinances – can now require landlords to sign off during business hours
- Certain cities/counties can be governed more closely

Landlord's Permission Required for Short-Term Stays

- If short-term stays allowed in a locality, who can do so is expanded
- Landlord/property owner can be required to give permission
- Enforcement



Mandatory Fee Disclosure Statement

- First page of rental agreement
- Be thorough
- The following language must be immediately above the list of fees:
 - *No fee shall be collected unless it is listed below or incorporated into this agreement by way of a separate addendum after execution of this rental agreement*

Requirements For Copies of Leases

- Signed copy – 10 days after effective date
- Copy upon request thereafter once a year
- Electronic format – no charge



Updates to Early Termination for Military Members/Abuse Victims

- Virginia law in line with federal law – no more distance requirement
- Stop movement orders
- The law expanded outside of the family for abuse victims
- Notice period/liability reduced

Damages to Tenant if Unit Condemned

- Notice and condemned = if tenant pursues landlord can be liable for damages. Landlord must return applicable payments
- Does not apply if tenant caused damage, act of god, or if lease properly terminated due to fire or other casualty

Expungement of Unlawful Detainers

- Tenants now entitled to automatic expungement if a case is dismissed and no judgment for possession is entered
- Automatic expungement should result in less work for landlords and tenants can be referred to the court



Expanded Housing Choice Voucher Tax Credit

- Increased cap for participating landlords. Additional funds ear marked for certain eligible landlords
- If you operate a tax credit property and seek the specific language and definitions, you can refer to the law here: <https://lis.virginia.gov/cgi-bin/legp604.exe?241+ful+CHAP0322+pdf> and also reach out to your legal counsel for more information

Potential Prohibition of Electronic Fund Transfer (“EFT”) Fees - 2025

- The Virginia legislature is attempting to prohibit landlords from charging tenants EFT fees. To be revisited in 2025 session
- If passed, landlords will be prohibited from charging tenants “*any transaction or processing fee or similar surcharge for the use of an electronic fund transfer for the payment of a security deposit, rent, or any other amounts payable.*”
- Discuss with your online payment provider to ensure compliance if applicable

Vetoed Bills Expected to be Reintroduced

- Extending pay or quit timeline to 14 days
 - Carve outs for tenants over the age of 65
- Payment plans
- Localities authorized to initiate action against landlords to enforce the landlords duty to maintain fit and habitable units
- Allowing localities to adopt rent control
- Prospective resident screening limits
 - Discussion of fees, deposits, if refundable, any criteria that will result in denial, process applications in order received, and provide explanation for adverse action
- Tenants' Assertions – requirements for escrow
- Air conditioning to start on April 1st

Questions?



Matthew M. Moore, Esq.
301-230-6560
Mmoore@shulmanrogers.com



Kyle J. Koppenhaver, Esq.
301-945-9252
Kkoppenhaver@shulmanrogers.com