



# 2024 Legislative Update for Landlords

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Hanger Law is a full-service law firm, specializing in real estate and offering a full array of services for the entire Hampton Roads area. We have offices in Virginia Beach and Newport News.

Hanger Law exists to bring peace to the process and clarity where there is confusion. We are a proud affiliate of the Hampton Roads Realtors Association.

Our core values focus on Relationships, Responsiveness and Results.

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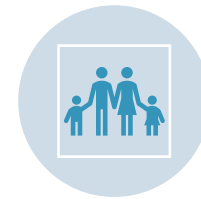
# Our Areas of Practice



Residential  
Real Estate



Commercial  
Real Estate



Estate Planning



Business Law



Litigation



Traffic Defense

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# Overview



- Legis. Passed (Unlawful Detainer / Amending the VRLTA)
- Legis. In Limbo
- Legis. Not Passed, But Worthy of Mention
- Beneficial Ownership Information Reporting - Eff. Jan 1, 2024

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# Legis. Amending the VRLTA



- **HB 352 / SB 213** → Allows certain **military personnel** to terminate a rental agreement upon receipt of a **stop movement order** issued in response to a local, national, or global emergency that is effective for either an indefinite period or for a period of **not less than 30 days** and that prevents the service member from occupying the leased dwelling unit for a residential purpose. The bill also allows such military personnel to terminate a rental agreement after receiving any **permanent change of station order** or **temporary duty order** in excess of three months' duration. Current law allows such termination only for orders requiring a departure of 35 miles or more from the dwelling unit.
- Result = Effective as of **3/8/24**

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# Legis. Pertaining to Unlawful Detainer Actions



- **HB 73** → Provides that in unlawful detainer actions filed in the general district court, if the 30-day period following the **dismissal** of such an action **or** if a **voluntary nonsuit** is taken and the six-month period following such nonsuit has passed, the **court shall**, without further petition or hearing, **enter an order requiring the expungement of such action**, provided that no order of possession has been entered. The bill provides that if a judgment is entered in favor of the defendant, such defendant may petition the court for an expungement pursuant to the petition process under current law. Additionally, the bill retains the petition process existing under current law for unlawful detainer actions commenced prior to July 1, 2024, for which the court still has records.
- Result = Effective **7/1/2024**

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# Legis. Amending the VRLTA



- **HB 701** → Requires landlords to include in the tenant's **notice of routine maintenance** the last date on which such maintenance may possibly be performed. The bill also requires landlords to **perform** routine maintenance **within 14 days** of delivering such notice to the tenant.
- Result = Effective **7/1/2024**

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# Legis. Amending the VRLTA



- HB 312 / SB 589 → Relocates certain provisions of Title 55.1 (Property and Conveyances) of the Code of Virginia related to assignments of rent from a chapter related to nonresidential tenancies to a chapter related to leases. The bill corrects a technical error from the 2019 recodification of Title 55 of the Code of Virginia.
- Result = Effective 7/1/2024



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# Legis. Pertaining to Unlawful Detainer Actions



- **HB 86** → Specifies a **process by which a plaintiff**, plaintiff's attorney, or agent in an unlawful detainer action **may amend the amount due to him in an unlawful detainer action**. The bill further provides that if such an amendment is permitted the plaintiff shall not subsequently **file additional warrants in debt** against the defendant for additional amounts **if** those amounts could have been included in such amended amount. The bill provides that **if the plaintiff requests all amounts due and owing** as of the date of the hearing or if the court grants an amendment of the amounts requested, the plaintiff **shall not** subsequently file **additional unlawful detainers or warrants in debt** against the defendant for such additional amounts **if** those amounts could have been included in the amended amount.
- Result = Effective **7/1/2024**



# Legislation to Keep Watching

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# Legis. Amending the VRLTA



- **HB 1272** → Requires a landlord to **provide a copy** of the signed written rental agreement to the tenant **within 10 business days of the effective date** of the rental agreement and to provide additional hard copies of the rental agreement upon request **or** to maintain such rental agreement in an electronic format that can be easily accessed by or shared with the tenant upon request. The bill also prohibits a landlord from charging a tenant for any such additional copies of his rental agreement.
- Result = Passed in House and Senate. Governor sent recommendation to House – review by House not yet calendared.

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# Legis. Amending the VRLTA



- **HB 993 / SB 422** → **Prohibits** landlords subject to the Virginia Residential Landlord and Tenant Act from requiring a tenant to (i) **pay any fee for the maintenance or repair** of any unit subject to such rental agreement **unless** necessitated by the tenant's violation of a requirement of the Act or (ii) **pay any fee to submit periodic rent payments** or other amounts due, **unless** the landlord offers an alternative method of payment that does not include additional fees.
- Result = Passed in House and Senate. Governor sent recommendation to House – review by House not yet calendared.

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# Legis. Amending the VRLTA



- **HB 967 / SB 405** → Requires landlords subject to the Virginia Residential Landlord and Tenant Act to include on the **first page** of a written rental agreement, in **bold, 14-point type**, a **description** of any rent and fees to be charged to the tenant. The bill requires that such rental agreement also contain, in bold, 14-point type: **No fee shall be collected unless it is listed below.**
- Result = Passed in House and Senate. Governor sent recommendation to House – review by House not yet calendared.

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# Legis. Amending the VRLTA



- **HB 955** → Requires landlords to include, **upon request, a summary page** with any written rental agreement offered to a **prospective** tenant that includes the duration of the lease, the amount of rent and the date upon which such rent shall be due, an explanation of any deposits and late fees that may be charged, and any termination provisions. The bill also directs the Director of the Department of Housing and Community Development to develop a sample summary page. . .
- Result = Passed in House and Senate. Governor sent recommendation to House – review by House not yet calendared.

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# Legis. Amending the VRLTA



- **HB 996** → **Requires landlords** governed by the Virginia Residential Landlord and Tenant Act or Manufactured Home Lot Rental Act **to provide applicants** for tenancy with (i) the **amount and purpose** of fees to be charged to such applicant, (ii) **information** that will be used to assess such applicant's eligibility for tenancy, and (iii) any **criteria** that may result in automatic denial of an application. The bill requires such landlords to notify applicants of certain rights protected by the federal **Fair Credit Reporting Act** if the landlord takes an adverse action, as defined in the bill, after reviewing an application. Finally, the bill requires such landlords to **refund any funds received in excess of** the landlord's **actual expenses and damages**, after the landlord's rejection of an application **or** an applicant's failure to rent a unit upon being notified of his eligibility for tenancy.
- Result = Passed in House and Senate. Governor sent recommendation to House – review by House not yet calendared.

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# Legis. Amending the VRLTA



- **HB 588** → Requires a landlord, prior to giving a tenant **21 days' notice** of his intention to terminate the rental agreement for a dwelling unit that has been **damaged or destroyed by fire or casualty**, to (i) make a reasonable effort to meet with the tenant to discuss reasonable alternatives and to offer the tenant a substantially similar unit, if one is available **or** (ii) determine that the damage was caused by the tenant's failure to maintain the dwelling unit in accordance with certain provisions. **Current law** allows the landlord to terminate such agreement by giving the tenant **14 days' notice** of his intention to terminate...
- Result = Passed in House and Senate. **Governor sent recommendation** to House to (i) postpone until 2025 and (ii) have the Department of Housing report whether VRTLTA amendments the last 5 years have been beneficial. Recommendation to be reviewed by House on **4/17/2024**





**Legislation Not  
Passed in 2024**

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# Legis. Amending the VRLTA



- HB 1207 / SB 588 → **Requires** the Director of the **Department of Housing** and Community Development (the Department) to develop a **criminal record screening model policy** for admitting or denying an applicant for affordable housing . . . The bill **prohibits a landlord of an affordable housing unit** from **inquiring** about or requiring disclosure of, or if such information is received, basing an adverse action, in whole or in part, on an **applicant's criminal or arrest record** unless the landlord does so in accordance with the criminal record screening model policy developed by the Department and posted on its website and provides the applicant with a written copy of such policy.
- Result = Passed in House and Senate. **Vetoed** by Governor on April 8, 2024.

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# Legis. Amending the VRLTA



- **HB 817** → Adds numerous actions to the list of prohibited retaliatory actions by a landlord against a tenant under the Virginia Residential Landlord and Tenant Act and Manufactured Home Lot Rental Act and specifies actions by a tenant for which a landlord may not retaliate. The bill modifies and expands the list of actions a landlord may take without violating the prohibition on retaliation. The bill allows a tenant, when the landlord has unlawfully retaliated, to recover actual damages and to assert retaliation as a defense in any action brought against him for possession.
- Result = Passed in House and Senate. **Vetoed** by Governor on April 5, 2024.

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# Legis. Amending the VRLTA



- **HB 598** → Increases **from five days to 14 days the mandatory waiting period** after a landlord serves **written notice** on a tenant notifying the tenant of his nonpayment of rent and of the landlord's intention to terminate the rental agreement if rent is not paid **before** the **landlord may pursue remedies** for termination of the rental agreement. The bill also provides that if a summons for unlawful detainer is filed to terminate a tenancy specifically for nonpayment of rent pursuant to the Virginia Residential Landlord and Tenant Act, **the initial hearing** on such summons **shall occur as soon as practicable**, but **not more than 14 days** from the date of filing, and if the case cannot be heard within 14 days from the date of filing, the initial hearing shall be held as soon as practicable, but in **no event later than 21 days** after the date of the filing.
- Result = Passed in House and Senate. **Vetoed** by Governor on April 5, 2024.

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# Legis. Amending the VRLTA



- HB 1251 → **Removes the requirement** that, prior to the granting of any relief, a tenant shall **pay into escrow any amount of rent** called for under the rental agreement. The bill requires the tenant, **during the pendency of the action**, to pay into escrow the amount of rent that becomes due **subsequent to the initial court date** called for under the rental agreement within five days of the date due under such rental agreement, unless or until such amount is modified by a subsequent order of the court. The bill also provides that a **failure of the tenant to make timely payments** into escrow **shall not be grounds for dismissal of the underlying action** but may be **considered** by the court when issuing an order.
- Result = Passed in House and Senate. **Vetoed** by Governor on April 5, 2024.

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# Legis. Not Passed – Worthy of Mention



- **HB 247** → Allows a tenant to bring a civil cause of action for **compensatory damages** against a housing authority when there is a **material noncompliance** by such housing authority with the rental agreement or a noncompliance with any provision of the Virginia Residential Landlord and Tenant Act that materially **affects the health and safety** of the tenant.
- Result = Continued to 2025 Session

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# Legis. Not Passed – Worthy of Mention



- **SB 596** → **Reduces from 15 to seven** the number of days, after the date upon which a tenant is served a landlord's intent to terminate the tenancy due to **certain illegal activities** by the tenant, **within which the initial hearing** on the landlord's **action for immediate possession** of the premises **shall be held**. The bill also reorganizes certain provisions of the Virginia Residential Landlord and Tenant Act to consolidate language and organize the structure of certain provisions of the Act.
- Result = Continued to 2025 Session

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# Legis. Not Passed – Worthy of Mention



- **HB 192** → Establishes the **Landlord and Tenant Fairness Act** that requires any landlord who owns more than nine rental dwelling units or more than a 10 percent interest in more than nine rental dwelling units, whether individually or through a business entity, in the Commonwealth, **to meet certain requirements** with respect to (i) the **advertisement** of any rental dwelling unit for occupancy; (ii) the charging of application fees and processing of an applicant's information during an **application check**; and (iii) the terms of the rental agreement, changes in the rental amount, and termination of the rental agreement.
- Result = Struck from docket early on



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# Legis. Not Passed – Worthy of Mention



- **HB 733** → Allows any locality to adopt **rent stabilization provisions** to prohibit any landlord, defined in the bill, from **increasing the rent** on any unit in which an **elderly tenant**, defined in the bill, resides by an amount that exceeds such locality's rent stabilization allowance. . . . Finally, the bill requires any rent stabilization ordinance to include a **procedure** by which a landlord may apply for an **exemption if the net operating income** generated by the rental dwelling unit **has not been maintained due** to escalating operating expenses or for other appropriate reasons as established by the locality.
- Result = Struck from docket early on

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# Beneficial Ownership Information Reporting



- Your LLC or corporation is very likely to be considered a “reporting company” under the terms of the Corporate Transparency Act
  - Tip: See if your business is exempt by searching for the [exemption table](#) in the FAQs on FinCEN’s website. The FAQs will also answer any other questions that may arise.
- Timing:
  - For companies formed after Jan. 1, 2024, BOI reports must be submitted within 90 days of formation
    - Tip: Check your company’s formation date by visiting [cis.scc.virginia.gov/EntitySearch/Index](https://cis.scc.virginia.gov/EntitySearch/Index)
  - For companies formed before Jan. 1, 2024, BOI reports are due on Jan. 1, 2025.
- File electronically at <https://boiefiling.fincen.gov>

# New Field In the Clerk's Information System:

Hearing Information ▼				
Date	Time	Result	Hearing Type	Courtroom
09/21/2023	09:00 AM	Judgment	Civil Hearing	2
Service/Process ▲				
Reports ▲				
Judgment Information ▼				
Judgment : Plaintiff	Costs :	Attorney Fees :		
Principal Amount :	Other Amount :	Interest Award : 6% FROM DOJ		
Possession : Immediate	Writ of Eviction Issued Date : 03/11/2024	Writ of Eviction Executed Date : 03/20/2024		
Homestead Exemption Waived : No	Writ of Fieri Facias Issued Date :			
Is Judgment Satisfied :	Date Satisfaction Filed :	Other Awarded :		
Further Case Information :				

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# How Hanger Law can Serve You

- **Reviewing/Drafting**
    - Lease Agreements personalized - \$595 –
    - Tenant notices (5 Day, Breach, Rent Increase, Inspection/Access, move out, Sec. Dep form)
    - Property Management Agreements – hourly
    - Deed Drafting (Deed to LLC, Deed of Gift) - \$295
    - FSBO Contract - \$595
    - Sub to, Wholesale, Assignment – (requires \$250 consultation – then case by case)
  - **Providing Court Representation**
    - Evictions - \$800 flat fee (includes notices, filing, first court appearance for possession)
    - Final Rent and Damages Hearings (hourly)
  - **Defending Tenant Assertions / other suits**
  - **Setting up your Business as a LLC**
    - Single Member LLC \$595 – formation, registration with State Corporation Commission, Operating Agreement, starter directions)
    - Multi-Member LLC - \$895 (or hourly)
    - Other Corporate forms (requires consultation)
  - **Estate Planning**
    - Will/POA/HIPAA waiver/TDD (starts) \$1500
    - Trust Package (requires consultation)
  - **Legal Consultation** - \$250 1/2hr phone \$395 1hr in person
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# Add'l Resources and Next Steps



- Visit [lis.virginia.gov](https://lis.virginia.gov) to see the status of bills with action dates after today (4/10)
- Attend [next year's presentation](#) to see whether the postponed bills are passed in the 2025 Legislative Session
- Set up a [consultation](#) with John M. Kaptan, Esq. to discuss your business's compliance with new legislation and updating your lease

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For consultations, contact Rivers Owsley: [rivers@hangerlaw.com](mailto:rivers@hangerlaw.com)