

COMMONWEALTH OF VIRGINIA

SENATOR MAMIE LOCKE, Chair
DELEGATE JOHN COSGROVE, Vice Chair
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VIRGINIA HOUSING COMMISSION

AGENDA

Neighborhood Transitions and Residential Land Use Sub Work Group
General Assembly Building, 6th Floor Speaker's Conference Room
August 26, 2009, 10:00 A.M.

Members Present: Delegate Dance (Chair), Delegate D. Marshall (by teleconference), Mark Flynn, Chip Dicks, Ted McCormack, A. Vaughn Poller, Karen Harwood, Brian Gordon, Mike Toalson, Barrett Hardiman, Cal Whitehead, Martin Johnson

I. Welcome and Call to Order - Delegate Rosalyn Dance, Chair

II. Discussion of Suggested Legislation (§15.2-900.1)- Mark Flynn: Virginia Municipal League; Chip Dicks: Virginia Association of Realtors

- A. Discussed who can be held responsible- tenant, occupant, or their guest. Law enforcement officials need to know who lives at the property in order to enforce the violation.
- B. Discussed the authorization in the statute to allow localities to use subpoena duces tecum to obtain a copy of the lease for purposes of enforcement.
- C. The language regarding § 55-225.4 and lease violations has been removed.
- D. Criminal action is not limited to strictly a violation. It also includes summons, warrants and charges.
- E. Problems arose in subsection E with the locality having the ability to take the owner to court and have them convicted when the owner is in the process of evicting their tenant. Chip suggested the use of diligent pursuit language as a defense for the owner if their eviction case is delayed. Karen Harwood suggested the locality be able to file, but then hold their case if the owner is diligently pursuing eviction. This assures no fines are imposed on the owner before the eviction case is completed.

III. Adjourn

DELEGATE JOHN A. COSGROVE
DELEGATE ROSALYN R. DANCE
DELEGATE ROBERT D. HULL
DELEGATE DANIEL W. MARSHALL, III
DELEGATE G. GLENN ODER

SENATOR MAMIE E. LOCKE
SENATOR JOHN C. WATKINS
SENATOR MARY MARGARET WHIPPLE

F. GARY GARCZYNSKI
T. K. SOMANATH
MELANIE S. THOMPSON