

# Index

## **ABANDONMENT**

- Bankruptcy proceedings, § 14:11
- Common law of Virginia, § 5:1, 6:9
  - see also App. O
- Damages for, § 19:2
- Leases, abandonment of premises, § 14:11
- Manufactured homes, abandonment of unit, tenant's obligations, § 8:1, 8:5, 8:14
- tenBraak v. Waffle Shops, § 6:9, App. O
- Virginia residential rental agreements, § 7:94, 7:99

## **ABSENCE OR PRESENCE**

- Absentee landlords, § 23:1
- Non-resident owner of residential, § 2:1
- Virginia residential rental agreements, absence of tenant, § 7:94, 7:99 to 7:101

## **ABUSE OF PERSONS**

- Abuse, early termination of rental agreements by victims of, § 7:60
- Fair housing, § 15:3
- Family Abuse** this index
- Sexual abuse, early termination of rental agreements by victims of, § 7:60
- Virginia Residential Landlord and Tenant Act, early termination of lease by abuse victims, § 7:60

## **ACCELERATION OF RENT**

- Commercial leases, § 4:2, 19:3, 19:9, 20:4, 23:26

## **ACCESS**

- Cable or satellite access, prohibited charges, § 7:43, 8:6, 8:7
- Common law of Virginia, § 6:7
- Damages, § 7:50, 7:99
- Manufactured homes, § 8:4, 8:7
- Notice, access to premises, § 7:50
- Protective orders, access under, § 7:51
- Remedies for abuse of access, § 7:99
- Repair duty, § 6:7, 6:8
- Satellite access, § 7:43, 8:6, 8:7
- Virginia residential rental agreements, § 7:50, 7:51, 7:99

## **ACCIDENT ZONES**

- Disclosure, § 7:37

## **ACCOMODATION**

- Fair housing, § 15:12

**ACTUAL POSSESSION**

Rent, § 6:3

**ADMINISTRATIVE ENFORCEMENT PROVISIONS**

Fair housing, § 15:15, 15:16

**ADMINISTRATIVE RENT**

Bankruptcy proceedings, § 14:22, 14:28

**ADMINISTRATIVE STAFF**

Diplomats, § 17:4

**AFFIDAVITS**

Copy of rental agreement, affidavit to submit copy of lease, § App. E:12

Default judgment-military affidavit, § 20:22

Distress warrants, § App. E:9

**Forms** this index

Servicemembers' Civil Relief Act, default judgments, § 13:5

**AGENTS**

24-hour agent, virginia residential rental agreements, § 7:3

**AGRICULTURAL USE EXEMPTION**

Generally, § 7:13

**“ALL ADULT” BUILDINGS**

Fair housing, § 15:14

**ALTERATIONS**

**Common Law of Virginia** this index

**AMBIGUITY**

Construction, rules, § 4:2

**AMENDMENTS**

Creation of tenancy, § 3:10

**AMERICANS WITH DISABILITIES ACT OF 1990**

Fair housing, § 15:17

**ANIMALS**

**Assistance or Comfort Animals** this index

Deposits, pet deposits, § 7:30, 15:10

**Dogs** this index

Fair housing, assistance or comfort animals, § 15:10 to 15:12

**ANTI-CRIME DEVICES**

Common law of Virginia, § 6:19

**APPEAL AND REVIEW**

Generally, § 20:21

Attorneys' fees, § 12:1

Distress warrants, § 20:15, 20:21

Eviction, unlawful detainer and entry, § 20:5, 20:21

Unlawful detainer and entry, § 20:5, 20:21

## INDEX

### APPLICATION FEES

Generally, § 7:18

### APPLICATIONS

Automatic stay of bankruptcy proceedings, § 14:3

### ARMED FORCES

**Military** this index

### ASSAULT

Abuse or assault, early termination of rental agreements by victims of, § 7:60

Early termination of rental agreements by victims of sexual assault, § 7:60

Premises liability, § 9:9

Sexual abuse or assault, early termination of rental agreements by victims of,  
§ 7:60

### ASSERTION, TENANT

VRLTA, § 7:77 to 7:80

### ASSIGNS

Creation of tenancy, § 3:7

### ASSISTANCE OR COMFORT ANIMALS

Fair housing, assistance animals, § 15:8 to 15:11

Permitted inquiries, § 15:11

Rights and responsibilities, fair housing, § 15:13

### ASSUMPTION OF LEASES

**Leases** this index

### ATTORNEYS

Debt collectors, attorneys as, § 21:3

Fees. **Attorneys' Fees** this index

### ATTORNEYS' FEES

Generally, § 12:1

Bad faith exceptions to American Rule, § 12:1

Ex parte order, review of, § 20:15

Fair housing, § 15:15

Virginia Residential Landlord and Tenant Act, generally, § 7:2, 7:88, 12:2

Waiver, § 12:1

### ATTORNMENr AGREEMENT

Forms, § App. N:1

### ATTRACTIVE NUISANCE

Premises liability, § 9:3

### AUTOMATIC STAY

**Leases** this index

### BAD FAITH

**Good Faith** this index

**BANKRUPTCY**

Leases this index

**BASE RENT**

Commercial leases, § 23:8

**BOARD FOR HOUSING AND COMMUNITY DEVELOPMENT**

Virginia Residential Landlord and Tenant Act, § 7:5

**BOARDINGHOUSES**

Generally, § 7:13

**BONDS AND UNDERTAKINGS**

Distress warrants, § 20:8, 20:12

Forms this index

**BURDEN OF PROOF**

Presumptions and Burden of Proof this index

**BUSINESS USE EXEMPTION**

Generally, § 7:12

**CABLE ACCESS**

Manufactured Home Lot Rental Act, prohibited charges, § 8:6, 8:7

Virginia residential rental agreements, § 7:43

**CAMPGROUNDS**

Generally, § 6:22, 7:106

**CANAL, FALLING INTO**

Premises liability, § 9:3

**CAR WASHING RULES AND REGULATIONS**

Virginia Residential Landlord and Tenant Act, § 7:49

**CARBON MONOXIDE ALARMS**

Generally, § 7:48, 7:50

**CASUALTY DAMAGE**

Commercial leases, § 23:22

Virginia residential rental agreements, § 7:64

**CHANGE**

Modification or Change this index

**CHILD CARE**

Child care, § 7:53

**CHILDREN AND MINORS**

Child care, § 7:53

Comparisons and differences, table of, residential rental agreements, § 7:53

Fair housing, § 7:53, 15:8

Lead-based paint, § 22:1 to 22:3, 23:27

Premises liability, § 9:3

Servicemembers Civil Relief Act, § 13:2A, 13:2B

## INDEX

### **CIVIL ENFORCEMENT PROVISIONS**

Fair housing, § 15:15, 15:16

### **CIVIL PROCEEDINGS**

Diplomats, § 17:7

### **CLEAN AND SAFE CONDITION**

Generally, § 7:48

Common law of Virginia, § 6:8, 7:48

### **COERCION**

**Duress or Coercion** this index

### **COLLECTION LETTER**

Debt collection, § 21:6

### **COLLECTION OF DEBT**

**Debtors and Creditors** this index

### **COLOR**

Fair housing, § 15:2, 15:3

### **COMFORT ANIMALS**

**Assistance or Comfort Animals** this index

### **COMMENCEMENT OF LEASE DATE**

Commercial leases, § 23:7

### **COMMERCIAL LEASES**

Acceleration of rent, § 4:2, 19:3, 19:9, 20:4, 23:26

Assignment and sublease, § 23:19

Base rent, § 23:8

Casualty, § 23:22

Commencement of lease date, § 23:7

Condemnation clauses, § 16:4, 23:21

Consumer Price Index, rent escalations, § 23:9

Covenant, § 23:2

Date. Time or date, below

Eminent domain, § 16:4, 23:21

Energy allocation equipment, § 23:25

Exemption from VRLTA, generally, § 7:12

Fixtures, § 23:20

Foreclosure, subordination and nondisclosure, § 23:24

Forms

lease, form of, § 23:1

office lease, § App. G:1

shopping center lease, § App. G:2

Identification of parties and property, § 23:3, 23:4

Insurance, § 23:15

Jury trial, § 23:23

Landlord's liability to tenant, § 23:18

Lead-based paint, § 23:27

**COMMERCIAL LEASES—Cont'd**

- Minimum rent, § 23:8
- Net leases, § 23:12
- Nondisturbance, § 23:24
- Nonresident owner, § 23:1
- Notice, time and manner of giving, options and renewals, § 23:6
- Options, § 23:6
- Partial casualty, § 23:22
- Parties, identification of, § 23:3
- Percentage leases, § 23:11
- Practical tips, § 23:1 to 23:27
- Purchase options, § 23:6
- Ratio billing, § 23:25
- Real estate taxes, § 23:13
- Renewal options, § 23:6
- Rent
  - base or minimum rent, § 23:8
  - concessions, § 23:10
  - escalations, § 23:9
- Repair duty, § 23:17
- Rules and regulations, § 23:16
- Shopping Center Leases** this index
- Sublease, § 23:19
- Submetering, § 23:25
- Subordinates, § 23:24
- Taxes, § 23:11, 23:13
- Time or date
  - commencement of lease, § 23:7
  - notice, options and renewals, § 23:6
- Total casualty, § 23:22
- Trade fixtures, § 23:20
- Use of property, § 23:5
- Water, § 23:14

**COMMISSIONS ON SALES**

- Manufactured homes, prohibited charges, § 8:6

**COMMON AREAS**

- Premises liability, § 9:4

**COMMON LAW OF VIRGINIA**

- Generally, § 6:1 to 6:23, 7:1
- Abandonment of property, § 6:10
- Access rights, § 6:7
- Alterations. Improvements, alterations and fixtures, below
- Anti-crime systems, § 6:19
- Applicable code chapters, § 6:1
- Assertion, tenant, § 20:6
- Assignment/sublease, § 6:12, 6:13

## INDEX

### COMMON LAW OF VIRGINIA—Cont'd

- Breach by landlord, § 6:5
- Constructive eviction, § 6:5
- Damages** this index
- Demolition
  - lease notices, § 6:23, 7:35, 7:104, 8:9
- Double damages, § 6:8
- Emblements, § 6:20
- Energy allocation equipment, § 6:22
- Fixtures. Improvements, alterations and fixtures, below
- Holdover, § 6:11
- Improvements, alterations and fixtures
  - generally, § 6:16 to 6:23
  - anti-crime systems, § 6:19
  - buildings, generally, § 6:16
  - damages, § 6:21
  - emblements, § 6:20
  - energy allocation equipment, § 6:22
  - fixtures, generally, § 6:17
  - ratio billing, § 6:22
  - rehabilitation, conversion for, § 6:23, 7:26
  - security systems, § 6:19
  - submetering, § 6:22
  - trade fixtures, § 6:18
- Injunctions, waste, § 6:9
- Leases
  - demolition
    - notices, § 6:23, 7:35, 7:104, 8:9
- Mold remediation, disclosure and relocation, § 9:11
- Negligence, § 6:8
- Noncompliance by landlord, § 6:5
- Notices
  - failure to pay rent, § 6:3
  - non-compliance notice, § 6:5
- Premises liability, § 9:3 to 9:7
- Quiet possession, § 6:6
- Ratio billing, § 6:22
- Rehabilitation, conversion for, § 6:23, 7:26
- Rent, § 6:3, 6:4
- Rent escrow, pre-trial, § 20:6
- Repair or rebuild duty of landlord and tenant, § 6:8
- Security systems, § 6:19
- Self-help, § 4:4, 6:14, 6:15
- Statutory shorthand
  - assignment-sublease, § 6:13
  - quiet possession, § 6:6
  - rent, § 6:4

**COMMON LAW OF VIRGINIA—Cont'd**

Statutory shorthand—Cont'd

waste, § 6:9

Submetering, § 6:22

tenBraak v Waffle Shops, § 6:10

Trade fixtures, § 6:18

Wanton waste, § 6:8

Waste, § 6:8, 6:9

**COMPENSATION**

**Attorneys' Fees** this index

Eminent domain, § 16:1, 16:3

**CONDEMNATION**

**Eminent Domain** this index

**CONDEMNATION OF UNIT**

Tenant remedies

Virginia Residential Landlord and Tenant Act, § 7:76

**CONDITION OF PREMISES, LIABILITY FOR**

**Premises Liability** this index

**CONDOMINIUMS**

Generally, § 7:12

**CONFIDENTIAL INFORMATION**

Virginia residential rental agreements, § 7:27

**CONSENT**

Virginia residential rental agreements, no unilateral change without written consent, § 7:24

**CONSEQUENTIAL DAMAGES**

Generally, § 19:1

**CONSTITUTIONAL LAW**

Residential rental agreements, § 7:7

**CONSTRUCTION, RULES OF**

Generally, § 4:1 to 4:6

Ambiguity, § 4:2

Applicable law, § 4:1

Common law application, § 4:2

Construction against lessor, § 4:2

Indemnity provision, § 4:2

Intent of parties, § 4:2

Interpretation, § 4:2

Land, § 4:4

Language of lease, § 4:2

Leases, generally, § 4:1 to 4:6

Materiality of breach, § 4:6

Mischief rule, § 4:5



## INDEX

### **CONSTRUCTION, RULES OF—Cont'd**

- Month, § 4:4
- New leases, writing by court, § 4:2
- Notice to terminate, § 4:2
- Plain meaning, § 4:2
- Real estate, § 4:4
- Remedial statutes, § 4:5
- Restrictions on use, § 4:3
- Rewrite of lease, § 4:2
- Statutory shorthand, § 4:4
- Use, restrictions on, § 4:3

### **CONSTRUCTIVE EVICTION**

- Generally, § 6:5
- Common law of Virginia, § 6:5
- Unlawful detainer and entry, § 20:3
- Virginia residential rental agreements, § 7:57

### **CONSUMER DEBTS**

- Debt collection, § 21:2

### **CONSUMER PRICE INDEX**

- Generally, § 18:1 to 18:4
- Abbreviations, § 18:1
- Calculating CPI changes, § 18:3
- Commercial leases, rent escalations, § 23:9
- Guidelines for escalation clauses, § 18:2
- Rent escalation clauses, § 18:2, 18:4, 23:9
- Sample CPI escalation clause, § 18:4

### **CONSUMER PROTECTION ACT**

- Generally, § 6:1, 7:4

### **CONTRACT LIABILITY**

- Damages, § 19:1 et seq.
- Premises liability, § 9:10

### **CONVERSION**

- Notice, § 6:23

### **COOPERATIVE APARTMENTS**

- Generally, § 7:12

### **COPIES**

- Court forms, affidavit to submit copy of lease, § App. E:12
- Manufactured homes, copy of rental agreement, § 8:3
- Unlawful detainer and entry, procedural aspects, § 20:4

### **CORONAVIRUS**

- Current dispute, status of, § 1:1
- Tenant screening protections, § 1:2

**COURT FORMS**

**Forms** this index

**COVENANTS**

Commercial leases, § 23:2

Creation of tenancy, § 3:7

Injunctions, § 4:3

**COVID-19**

Current dispute, status of, § 1:1

Tenant screening protections, § 1:2

**CPI**

**Consumer Price Index** this index

**CREATION OF TENANCY**

Generally, § 3:1 to 3:14

Amendment of lease/option, § 3:10

Assigns, meaning of, § 3:7

Comparison of state and federal foreclosure laws, § 3:3

Computation of five years or more, § 3:3, 3:4

Contract to lease, distinguished from present demise, § 3:2

Contract to negotiate, § 3:8

Covenant, § 3:7

Creation, generally, § 3:2

Deed of lease, § 3:2, 3:4

Definitions, § 3:1, 3:2

Delivery of possession, § 3:5

Description of property, § 3:13

Disclosures by landlord where option to buy in lease, § 3:9

Dual option provision, § 3:8

English rule, delivery of possession, § 3:5

Fees for referral, § 3:14

Five years or more, computation of, § 3:4

Foreclosure, protection of tenants, § 3:3, 7:61

Ground rents, generally, § 3:11

Holdover tenant, § 3:8

Intent, letter of, § 3:6

Kinds of tenancies, § 3:1

Leases

    amendment of lease/option, § 3:10

    deed of lease, § 3:2, 3:3

    definition of deed of lease, § 3:2

    memorandum of lease, § 3:4

Letter of intent, § 3:6

Memorandum of lease, § 3:4, App. I

Month-to-month tenancy, § 3:1

Nature and creation, § 3:2

## INDEX

### **CREATION OF TENANCY—Cont'd**

#### **Options**

- amendment of lease option, § 3:10
- disclosures by landlord where option to buy in lease, § 3:9
- dual option provision, § 3:8
- renew or repurchase options, § 3:8

#### **Periodic tenant, defined, § 3:1**

#### **Possession, delivery of, § 3:5**

#### **Present demise, distinguished from contract to lease, § 3:2**

#### **Privity of contract, § 3:2**

#### **Protection of tenants, after foreclosure, § 3:3, 7:61**

#### **Purchase options, § 3:8**

#### **Qualified tenancy at will defined, § 3:1**

#### **Referral fee to residential tenant, § 3:14**

#### **Renewal options, § 3:8**

#### **Residential Ground Rent Act, § 3:12**

#### **Specific performance, § 3:8**

#### **State and federal foreclosure laws, comparison, § 3:3**

#### **Statute of conveyances, § 3:4**

#### **Statute of frauds, § 3:4**

#### **Tenancy at sufferance defined, § 3:1**

#### **Tenancy at will defined, § 3:1**

#### **Tenant from year to year, § 3:1**

#### **Tenant protection, after foreclosure, § 3:3, 7:61**

### **CREDITORS**

#### **Debtors and Creditors this index**

### **CRIMINAL ACTS**

#### **Abuse or assault, early termination of rental agreements by victims of, § 7:60**

#### **Fair housing, inquiry permitted, § 15:11**

#### **Premises liability, § 9:9, 9:10**

#### **Sexual abuse or assault, early termination of rental agreements by victims of, § 7:60**

#### **Virginia residential rental agreements, § 7:86**

### **CROPS**

#### **Liens of landlord, § 11:1**

### **DAMAGES**

#### **Generally, § 19:1 to 19:9**

#### **Abandonment, damages for, § 19:2**

#### **Breach of contract, § 19:1**

#### **Common law of Virginia, generally, § 6:21, 19:1 to 19:7**

#### **Consequential damages, § 19:1**

#### **Contract to lease, distinguished from contract of lease, § 19:1**

#### **Delivery of possession, failure as to, § 19:5**

#### **Direct damages, § 19:1**

#### **Liquidated damages, § 7:59, 7:60, 7:98**

#### **Lost profits, § 19:6**

**DAMAGES—Cont'd**

- Market value, § 19:1
- Mitigation of damages, § 7:96, 19:1
- Penalty, § 19:9
- Possession, failure to deliver, § 19:5
- Punitive Damages** this index
- Rent, § 19:3
- Tort claims, § 19:8
- Trespass, § 19:7
- Virginia Residential Landlord and Tenant Act** this index
- Waste, § 6:9, 19:4
- Wrongful eviction, § 19:7

**DATE**

- Time or Date** this index

**DEATH**

- Virginia residential rental agreements, disposal of property of deceased tenant,  
§ 7:102

**DEBTOR LANDLORD**

- Bankruptcy proceedings, § 14:27

**DEBTORS AND CREDITORS**

- Generally, § 21:1 to 21:10
- Application of Act, § 21:6
- Attorneys' as debt collectors, § 21:3
- Bankruptcy proceedings, creditors' meetings, § 14:10
- Collection letter, § 21:6
- Conclusions, § 21:10
- Consumer debts, § 21:2
- Debt collectors
  - attorneys as, § 21:3
  - property managers not, § 21:4
- Disclosures, § 21:6
- Fair Debt Collection Practices Act, generally, § 21:1 to 21:10
- False or misleading representations by debt collector, § 21:5
- Five Day Notices** this index
- Landlord's collection of debt, generally, § 21:1 to 21:10
- Lawsuits, § 21:7
- Notices, § 21:7
- Penalties, § 21:9
- Prohibited conduct, § 21:5
- Property managers as debt collectors, § 21:4
- Protected debts, § 21:2
- Unfair practices, § 21:5
- Unlawful detainer, § 21:7
- Validation of information about debt, § 21:6
- Venue, § 21:8

## INDEX

### **DECAYED PORCH FLOORING**

Premises liability, § 9:7

### **DECEASED TENANTS**

Virginia residential rental agreements, disposal of property, § 7:102

### **DEED OF LEASE**

Leases this index

### **DEFAULT**

Bankruptcy proceedings, § 14:18

Military affidavit, § 20:22

Servicemembers' Civil Relief Act, § 13:5

State affidavit, § 20:22

### **DEFINITIONS**

Creation of tenancy, § 3:1, 3:2

Deed of lease, § 3:2

Dependents, § 13:2A

Federally related loan, § 7:61

Ground rents, § 3:12

Guest or invitee of tenant, § 7:11

Leases, § 14:2, 15:1

Manufactured home lot, § 8:2

Manufactured home park, § 8:2

Manufactured homes, § 7:11, 8:2

Mold, § 7:11

Notices, § 7:11, 7:13

Periodic tenant, § 3:1

Qualified tenancy at will, § 3:1

Rent, § 7:11, 8:2

Residential rental agreements, § 7:11

Right of re-entry, § 4:4

Single family, § 15:8

Tenancy at sufferance, § 3:1

Tenancy at will, § 3:1

Utility service, § 7:11

Virginia residential rental agreements, § 7:11, 7:15, 7:30

### **DELEGATION OF DUTY**

Premises liability, § 9:2

### **DELIVERY OF LEASE**

Virginia residential rental agreements, § 7:23

### **DELIVERY OF POSSESSION**

Creation of tenancy, § 3:5

Damages, § 19:5

### **DEMOLITION**

Common law of virginia

lease notices, § 6:23, 7:35, 7:104, 8:9

**DEPENDENTS**

Definitions, § 13:2A  
Servicemembers' Civil Relief Act, § 13:2A

**DEPOSIT**

Bankruptcy proceedings, § 14:29  
Manufactured home, transfer, § 8:16  
Pet deposits, § 7:11, 7:30, 15:10  
**Security Deposits** this index

**DESCRIPTION AND IDENTIFICATION**

Commercial leases, § 23:3, 23:4  
Creation of tenancy, § 3:13  
VRLTA, “rental application,” § 7:11

**DIPLOMATS**

Generally, § 17:1 to 17:9  
Administrative staff, § 17:4  
Civil proceedings, § 17:7  
Family of diplomatic agent, § 17:1, 17:3  
Head of mission, § 17:1, 17:2  
Immunity of tenant, § 17:8  
Jurisdiction, § 17:9  
Landlord and tenant aspect, § 17:8  
Servants, § 17:1, 17:6  
Service staff, § 17:1, 17:5  
State Department, § 17:9  
Technical staff, § 17:1, 17:4  
Tenant immunity, § 17:8  
Waiver of diplomatic immunity, § 17:8

**DIRECT DAMAGES**

Generally, § 19:1

**DISCLOSURE**

Creation of tenancy, disclosures by landlord where option to buy in lease, § 3:9  
Debt collection, § 21:6  
**Lead-Based Paint** this index  
Option to buy in lease disclosure requirements, § 3:9  
Virginia residential rental agreements, § 7:37

**DISCRIMINATION**

**Fair Housing** this index

**DISPOSAL OF PROPERTY**

Abandoned property, § 7:100, 7:101  
Deceased tenant's property, § 7:102  
Virginia residential rental agreements, § 7:100, 7:101

**DISTRESS WARRANTS**

Generally, § 20:7 to 20:20  
Affidavit for distress warrant, § App. E:9

## INDEX

### **DISTRESS WARRANTS—Cont'd**

- Appeal and review, § 20:15, 20:21
- Bond or undertaking, § 20:8, 20:12
- Ex parte order, review of, § 20:15
- Exemptions, § 20:14
- Force, use of, § 20:17
- Forms
  - generally, § App. E:8
  - affidavit for distress warrant, § App. E:9
- Irregularities in distress, § 20:18
- Jurisdiction, § 20:21
- Levy, § 20:9
- Lien, priority of, § 20:10
- Limits of distress, § 20:11
- Non-money rent, § 20:20
- Petition, § 20:8
- Possession, § 20:13
- Priority of lien, § 20:10
- Removal of goods, § 20:16, 20:21
- Rent other than money, § 20:20
- Review of ex parte order, § 20:15
- Taking possession, § 20:13
- Tenant's forthcoming bond, § 20:12
- Wrongful distraint, § 20:19

### **DOGS**

- As to animals in general, see Animals this index
- Fair housing, § 15:10, 15:12, 15:13
- Service and guide dogs, § 15:10, 15:12, 15:13

### **DOMESTIC VIOLENCE**

- Family Abuse this index

### **DOUBLE DAMAGES**

- Common law of Virginia, § 6:8

### **DRUG ACTIVITY OR TRAFFICKING**

- Common law of Virginia, § 6:5
- Methamphetamine disclosure obligations, § 7:37
- Presumption of knowledge of, § 7:86

### **DRUG ADDICTION**

- Fair housing, § 15:8, 15:9

### **DRUG STORE**

- Restricted use, § 4:3

### **DRYWALL**

- Virginia residential rental agreements, disclosures, § 7:37

### **DUPLICATES**

- Copies this index

**DURATION OF STAY OF PROCEEDINGS**

Servicemembers' Civil Relief Act, § 13:8

**DURESS OR COERCION**

Injunctive relief, § 20:1

Lease interpretation, § 4:2

**EARLY TERMINATION OF AGREEMENT**

Abuse or assault, victims of, § 7:60

Foreign service members, § 7:59

Military personnel, § 7:59

Sexual abuse or assault, victims of, § 7:60

**EDUCATIONAL INSTITUTIONS**

Generally, § 7:12

**EJECTMENT**

Generally, § 11:1, 20:2, 20:3

**ELDERLY**

Fair housing, § 15:2, 15:3

**ELECTION OR OPTION**

Options this index

**ELEVATORS**

Premises liability, § 9:3

**EMBLEMENTS**

Common law of Virginia, § 6:20

**EMERGENCIES**

Virginia residential rental agreements, § 7:50, 7:92

**EMINENT DOMAIN**

Generally, § 16:1 to 16:6

Commercial leases, § 16:4, 23:21

Compensation of lessee, § 16:1, 16:3

Condemnation clauses, § 16:4, 16:5, 23:21

Fixtures, § 16:3, 16:4

Leases

commercial leases, § 16:4

compensation of lessee, § 16:1, 16:3

condemnation clauses, § 16:4

measure of compensation, § 16:1

value of leasehold interest, § 16:3

Measure of compensation, § 16:1

Partial taking, "reserved rent" on a, § 16:5

Procedure, § 16:2

Relocation assistance, § 16:3

Reserved rent on a temporary or partial taking, § 16:5

Special damages, § 16:6

Temporary or partial taking, reserved rent on a, § 16:5



## INDEX

### **EMINENT DOMAIN—Cont'd**

Tenant's entitlements, § **16:2, 16:3**

Value of leasehold interest, § **16:3**

### **EMPLOYEES OF TENANT**

Premises liability, § **9:8**

### **ENCUMBRANCES**

**Liens and Encumbrances** this index

### **ENERGY ALLOCATION EQUIPMENT**

Commercial leases, § **23:25**

Common law of Virginia, § **6:22**

Virginia residential rental agreements, § **7:106**

### **ENFORCEMENT OF REMEDIES**

Generally, § **7:105**

### **ENGLISH RULE**

Delivery of possession, § **3:5**

### **ENJOYMENT**

Statutory shorthand, § **4:4**

### **ENTRANCE FEES**

Manufactured homes, prohibited charges, § **8:6**

### **EQUIPMENT AND MACHINERY**

**Energy Allocation Equipment** this index

### **ESCALATION CLAUSES**

Consumer price index, § **18:2, 18:4, 23:9**

### **ESCROWS**

Pre-trial rent escrow to continue or try unlawful detainer, § **20:6**

Virginia residential rental agreements, § **7:25**

### **ESSENTIAL SERVICES**

Virginia residential rental agreements, § **7:63, 7:97**

### **ESTOPPEL AND WAIVER**

Generally, § **10:1**

Attorneys' fees, § **12:1**

Avoiding automatic rejection, § **14:26**

Diplomatic immunity, § **17:8**

Forms, estoppel certificate for tenant, § **App. M:1**

Leases, estoppel to avoid automatic rejection, § **14:26**

Manufactured Home Lot Rental Act, waiver of landlord's right to terminate,  
§ **8:10**

Premises liability, § **9:3**

Servicemembers' Civil Relief Act, waiver of application of Act, § **13:2B**

Virginia residential rental agreements, acceptance of rent with reservation, § **7:95**

## **ESTOPPEL CERTIFICATE FOR TENANT**

Forms, § **App. M:1**

## **EVICITION**

Appeal of unlawful detainer and entry, § **20:5, 20:21**

**Constructive Eviction** this index

Damages for wrongful eviction, § **19:7**

Debt collection, § **21:7**

Eviction Diversion Pilot Program, § **20:23**

Forms. Unlawful detainer and entry, below

Jurisdiction of unlawful detainer and entry, § **20:21**

Mandatory tenants rights and responsibility statement, § **App. E:1**

Manufactured Home Lot Rental Act, termination of tenancy, § **8:13**

**Manufactured Homes** this index

Pre-trial rent escrow, § **20:6**

Recoupment, unlawful detainer and entry, § **20:3**

Removal, unlawful detainer and entry, § **20:21**

Right to sell, manufactured home, § **8:14**

Servicemembers' Civil Relief Act, § **13:3A**

Summons for unlawful detainer, form of, § **App. E:2**

Unlawful detainer and entry

generally, § **20:3 to 20:6**

appeal, § **20:5, 20:21**

debt collection, § **21:7**

forms

summons for unlawful detainer, § **App. E:2**

writ of eviction in unlawful detainer, § **App. E:4**

jurisdiction, § **20:21**

pre-trial rent escrow, § **20:6**

procedural aspects, § **20:4**

recoupment, § **20:3**

removal, § **20:21**

summons for unlawful detainer, form of, § **App. E:2**

writ of eviction in unlawful detainer, form of, § **App. E:4**

Writ of eviction in unlawful detainer, form of, § **App. E:4**

Wrongful eviction, § **6:14, 19:7**

## **EVICITION DIVERSION PILOT PROGRAM**

Generally, § **20:23**

## **EVIDENCE**

**Expert and Opinion Evidence** this index

**Presumptions and Burden of Proof** this index

## **EX PARTE ORDER**

Distress warrants, § **20:15**

## **EXCULPATORY LANGUAGE**

Premises liability, § **9:12**

## INDEX

### EXEMPLARY DAMAGES

**Punitive Damages** this index

### EXEMPTIONS AND EXCLUSIONS

Agricultural use exemption, § 7:13

Automatic stay of bankruptcy proceedings, § 14:4

Business use exemption, § 7:12

Distress warrants, § 20:14

Fair housing laws, § 15:3

**Homestead Exemption** this index

**Leases** this index

**Virginia Residential Landlord and Tenant Act** this index

### EXIT FEES

Manufactured Home Lot Rental Act, prohibited charges, § 8:1, 8:6

### EXONERATION CLAUSES

Premises liability, § 9:12

### EXPERT AND OPINION EVIDENCE

Attorney fees, § 12:1

Fees

attorney fees, expert testimony concerning reasonableness of, § 12:1

expert witnesses, § 22:1

Shopping center leases, § 14:19

### EXPUNGEMENT

Generally, § 20:21D

### FAIR DEBT COLLECTION PRACTICES ACT

**Debtors and Creditors** this index

### FAIR HOUSING

Generally, § 15:1 to 15:13

Administrative enforcement provisions, § 15:15, 15:16

All adult buildings, § 15:14

Americans With Disabilities Act of 1990, § 15:17

Applicable to residential housing, § 15:1

Assistance-comfort animals, permitted inquiries, § 15:11

Attorneys' fees, § 15:15

Burden of proof, § 15:1

Civil enforcement provisions, § 15:15, 15:16

Classes of people protected, § 15:2

Color, protected classes, § 15:2, 15:3

Criminality not a protected class, § 15:11

Disparate-impact, burden of proof, § 15:1

Dogs, § 15:10, 15:12, 15:13

Elderly, protected classes, § 15:2, 15:3

Exemptions from fair housing laws, § 15:3

Familial status, § 15:2, 15:3, 15:8

Federal law, administrative and civil enforcement provisions, § 15:16

**FAIR HOUSING—Cont'd**

- FHA, handicap status under, § 15:9, 15:10
- Foster parents, § 15:8
- Gender identity, § 15:6
- Group homes, § 15:8
- Handicapped
  - Americans With Disabilities Act of 1990, § 15:17
  - exemptions, § 15:3
  - modification and accomodation for, § 15:12
  - protected classes, § 15:2, 15:3
  - restoration agreements, § 15:12
  - status under state and federal FHA, § 15:9, 15:10
- Interactive process of reasonable accommodation, § 15:13
- Manufactured Home Lot Rental Act, sale or lease of manufactured home by owner, § 8:12
- Modification and accomodation for handicapped, § 15:12
- National origin, protected classes, § 15:2, 15:3
- Occupancy standards, § 15:8
- Permitted inquiries, § 15:11
- Pet deposits, Virginia Disability Act, § 15:10
- Presumptions and burden of proof, § 15:1
- Protected classes, § 15:2, 15:3
- Punitive damages, § 15:15, 15:16
- Race, protected classes, § 15:2, 15:3
- Religion, protected classes, § 15:2, 15:3
- Restoration agreements, handicapped persons, § 15:12
- Section 8 housing, § 15:8
- Sex, protected classes, § 15:2, 15:3
- Sexual orientation, § 15:5
- Single family, defined, § 15:8
- Source of funds, § 15:4
- Status under FHA, § 15:10
- Veteran status, § 15:7
- Virginia Disability Act, § 15:10

**FAMILIAL STATUS**

- Fair housing, § 15:2, 15:3, 15:8

**FAMILY ABUSE**

- Early termination of lease by abuse victims, § 7:60
- Protective orders, § 7:82
- Virginia residential rental agreements, § 7:82

**FAMILY OF DIPLOMATIC AGENT**

- Diplomats, § 17:1, 17:3

**FEES**

- Application fees, § 7:18
- Attorneys' Fees** this index
- Creation of tenancy, referral fees, § 3:14

## INDEX

### **FEES—Cont'd**

Exit fees, charges prohibited under Manufactured Home Lot Rental Act, § 8:1

**Expert Witnesses** this index

Late fee, Virginia residential rental agreements, § 7:21

Manufactured Home Lot Rental Act, prohibited charges, § 8:6

**Virginia Residential Landlord and Tenant Act** this index

### **FINES AND PENALTIES**

Manufactured Home Lot Rental Act, § 8:15

### **FIRE DAMAGE**

Virginia residential rental agreements, § 7:64

### **FIRE DEPARTMENTS AND FIREFIGHTERS**

Premises liability actions, § 9:7

### **FIRE DETECTION DEVICES**

Generally, § 7:50

### **FISHERMEN**

Premises liability, § 9:7

### **FIVE DAY NOTICES**

Debt collection, § 6:3, 21:7

Nonpayment of rent, § 6:3

### **FIXTURES**

Commercial leases, § 23:20

**Common Law of Virginia** this index

Eminent domain, § 16:3, 16:4

**Trade Fixtures** this index

### **FORCE, USE OF**

Distress warrants, § 20:17

### **FORECLOSURE**

Commercial leases, subordination and nondisclosure, § 23:24

Emblements, § 6:20

Federal law vs. Virginia law, § 7:61

Jurisdiction, § 20:3, 20:4, 20:21

Military service, § 13:3B, 13:4

Notice of foreclosure, § 7:61

Recordation, importance of, § 3:3, 3:4

Residential Ground Rent Act, § 3:12

Servicemembers' Civil Relief Act, § 13:5

Stay foreclosure from rent escrow, § 7:71

Tenant protection, § 3:3, 7:61

### **FOREIGN SERVICE MEMBERS**

Early termination of agreement, § 7:59

### **FORFEITURE**

See redemption

**FORFEITURE—Cont'd**

- Generally, § 5:1, 6:4
- Redemption tender, § 5:1
- Unlawful detainer, § 20:3

**FORMS**

**Affidavits**

- copy of lease, affidavit to submit, § App. E:12
- distress warrant, affidavit for, § App. E:9
- judgment in possession cases based on non-payment of rent, affidavit to obtain, § App. E:3
- military affidavits, § App. E:7

**Attornment agreement, § App. N:1**

**Bonds for levy or seizure**

- defendant's bond, § App. E:11
- plaintiff's bond, § App. E:10

**Commercial Leases** this index

**Copy of lease, affidavit to submit, § App. E:12**

**Court forms, generally, § App. E**

**Distress Warrants** this index

**Estoppel certificate for tenant, § App. M:1**

**Eviction** this index

**Levy or seizure. Bonds for, above**

**Manufactured Homes** this index

**Memorandum of lease, § App. I:1**

**Military affidavits, § App. E:7**

**Non-disturbance agreement, § App. N:1**

**Notices** this index

**Registered agent for non-resident owner, suggested form for appointment of, § App. C:1**

**Rent concession addendum, § App. H:1**

**Seizure, bonds for. Bonds for levy and seizure, above**

**Subordination agreement, § App. N:1**

**Summons for unlawful detainer, § App. E:2**

**Tenant's assertion and complaint, § App. E:5**

**Tenant's estoppel certificate, § App. M:1**

**Unlawful detainer. Eviction this index**

**Warrant in debt, § App. E:6**

**Writ of eviction in unlawful detainer, § App. E:4**

**FRATERNITIES**

- Generally, § 7:12

**FRAUDULENT CONVEYANCES**

- Leases, § 14:30

**GENDER**

- Fair housing, § 15:2, 15:3, 15:6

## INDEX

### **GENDER IDENTITY**

Fair housing, § 15:6

### **GERIATRIC INSTITUTIONS**

Generally, § 7:7, 7:12

### **GOOD FAITH**

Residential rental agreements, § 7:8, 7:11

Virginia residential rental agreements, § 7:8, 7:11, 7:72

### **GROUND RENTS**

Creation of tenancy, § 3:11, 3:12

Definition, § 3:12

Liens, ground rent as, § 3:12

Redemption of land, § 3:12

Statute of limitations, § 3:11

Writing requirement, § 3:12

### **GROUP HOMES**

Fair housing, § 15:8

### **GUARANTY**

Generally, § 4:2, App. F:2, App. K

### **GUEST OR INVITEE OF TENANT**

Definition, § 7:11

Lead-based paint exposure, § 22:3

Premises liability, § 9:3

Tenants, definition of guest, § 7:11

Virginia Residential Landlord and Tenant Act this index

### **GUIDE DOGS**

Fair housing, § 15:10, 15:12, 15:13

### **HABITABILITY, WARRANTY OF**

Warranties this index

### **HANDICAPPED PERSONS**

Fair Housing this index

### **HEAD OF MISSION**

Diplomats, § 17:1, 17:2

### **HIDDEN DEFECTS**

Premises liability, § 9:3, 9:6, 9:7

### **HISTORY**

Virginia Residential Landlord and Tenant Act, § 7:6

### **HOLDOVER**

Bankruptcy, exemptions to automatic stay, § 14:4

Common law of Virginia, § 6:11

Creation of tenancy, § 3:8

Options for renewal, § 23:6

**HOLDOVER—Cont'd**

Virginia residential rental agreement remedies, § 7:98

**HOMESTEAD EXEMPTION**

Leases, § 14:29

Poor debtor's exemption, § 11:2

**HOTELS AND MOTELS**

Generally, § 7:12

**HOUSE OR HOME**

Fair Housing this index

**HOUSING**

Fair Housing this index

**HUNTING**

Premises liability, hunters, § 9:7

**ICE AND SNOW**

Premises liability, § 9:5

**IDENTIFICATION**

Description and Identification this index

**IMMEDIATE POSSESSION**

Common law of Virginia, self-help, § 6:14

Forfeiture, generally, § 5:1

VRLTA, § 7:86, 7:95

**IMMUNITY**

Diplomats, § 17:8

Lead-based paint disclosure requirements, § 22:2

**IMPROVEMENTS**

Common Law of Virginia this index

**INDEMNITY**

Construction, rules of, § 4:2

**INFANTS**

Children and Minors this index

**INJUNCTIONS**

Generally, § 20:1

Bankruptcy, § 14:16

Common law of Virginia, waste, § 6:9

Covenants restricting use, § 4:3

Criminal acts of third persons, § 9:9

Duress or coercion, § 20:1

Ejectment, § 20:2

Fair housing, § 15:15, 15:16

Lead-based paint disclosure requirements, § 22:1

Manufactured Home Lot Rental Act, § 8:17



## INDEX

### **INJUNCTIONS—Cont'd**

- Service Members Civil Relief Act, § **13:5**
- Unlawful detainer and entry, § **20:3, 20:4**
- Virginia residential rental agreements, § **7:55, 7:81, 7:99, 7:105**
- Waste, § **6:9**

### **INSECTICIDES**

- Notice to tenants of use of, § **7:44**

### **INSPECTION**

- Virginia Residential Landlord and Tenant Act** this index

### **INSTITUTIONAL RESIDENTS**

- Generally, § **7:12**

### **INSURANCE**

- Commercial leases, § **23:15**
- Virginia residential rental agreements, § **7:20**
- Virginia residential rental agreements, § **7:19**

### **INTENT**

- Construction, rules, § **4:2**
- Creation of tenancy, § **3:6**
- Presumptions and burden of proof, retaliatory intent, § **7:104**
- Retaliatory intent, presumptions and burden of proof, § **7:104**

### **INTEREST**

- Security deposits, § **7:33**
- Servicemembers' Civil Relief Act, § **13:9**

### **INTERPRETATION**

- Construction and Interpretation** this index

### **INVITEES**

- Guest or Invitee of Tenant** this index

### **IRREGULARITIES**

- Distress warrants, § **20:18**

### **JOINTLY OWNED PROPERTY**

- Leases, § **14:13**

### **JURISDICTION**

- Courts
  - generally, § **20:21**
  - title issues, § **20:3**
- Diplomats, § **17:9**
- Title issues, § **20:3**

### **JURY TRIAL**

- Commercial leases, § **23:23**

### **LANDLORD'S DUTIES AND REMEDIES**

- Generally, § **20:1 to 20:23**

**LANDLORD’S DUTIES AND REMEDIES—Cont’d**

- Casualty Damage** this index
- Common Law of Virginia** this index
- Distress Warrants** this index
- Eviction** this index
- Manufactured Homes** this index
- Removal, § **20:21**
- Unlawful detainer. Eviction this index
- Virginia Residential Landlord and Tenant Act** this index

**LANDLORD’S LIEN**

- Liens and Encumbrances** this index

**LATE FEE**

- Virginia residential rental agreements, § **7:21**

**LATENT DEFECTS**

- Premises liability, § **9:6, 9:7**

**LAUNDRY FACILITIES USE**

- Virginia Residential Landlord and Tenant Act, § **7:49**

**LAW ENFORCEMENT OFFICERS**

- Premises liability, § **9:7**

**LEAD-BASED PAINT**

- Action for exposure to lead-based paint, § **22:3**
- Certification, lead-safe certification, § **9:15**
- Commercial leases, § **23:27**
- Disclosure requirements
  - generally, § **22:1 to 22:3**
  - action for exposure to lead-based paint, § **22:3**
  - immunity from civil suit, § **22:2**
  - pre-renovation regulation, § **22:1**
  - “targeted housing,” § **22:1**
- Immunity from civil suit, § **22:2**
- Pre-renovation regulation, disclosure requirements, § **22:1**
- Premises liability, § **9:15**
- “Targeted housing,” § **22:1**

**LEASES**

- Abandonment of premises, bankruptcy proceedings, § **14:11**
- Acceleration clause, commercial leases, § **4:2, 19:3, 19:9, 20:4, 23:26**
- Administration rent in bankruptcy proceedings, § **14:22, 14:28**
- Affidavit to submit copy of lease, § **App. E:12**
- Agreement as to stay of bankruptcy proceedings, § **14:9**
- Application for automatic stay of bankruptcy proceedings, § **14:3**
- Assertion, tenant, § **7:77 to 7:80**
- Assignment of lease. Subletting and Assignments this index
- Assumption or rejection of unexpired leases. Bankruptcy proceedings, below
- Automatic stay. Bankruptcy proceedings, below

## INDEX

### LEASES—Cont'd

- Bankruptcy proceedings
  - generally, § 14:1 to 14:30
  - abandonment, § 14:11
  - administration rent, § 14:22, 14:28
  - agreement as to stay, § 14:9
  - application for automatic stay, § 14:3
  - assignment of lease, § 14:14, 14:15
  - assumption or rejection of unexpired leases
    - generally, § 14:16 to 14:25
    - assumption, effect of, generally, § 14:23
    - defaults, § 14:18
    - estoppel to avoid rejection, § 14:26
    - nonresidential leases, § 14:17, 14:25
    - rejection, effect of, generally, § 14:21
    - services and supplies, § 14:20
    - shopping center leases, § 14:19
    - supplies, § 14:20
    - time to assume or reject, § 14:24, 14:25
    - use before rejection, effect of, § 14:22
- automatic stay
  - generally, § 14:3
  - agreement as to stay, § 14:9
  - application for, § 14:3
  - exemptions to stay, § 14:4
  - procedure for relief from stay, § 14:8
  - relief from stay, § 14:6, 14:8
  - termination of stay, § 14:5
  - violation of stay, § 14:7
- creditors' meeting, § 14:10
- debtor landlord, § 14:27
- defaults, § 14:18
- definition of lease, § 14:2
- deposits and other claims, § 14:29
- estoppel to avoid automatic rejection, § 14:26
- exemptions to automatic stay, § 14:4
- fraudulent conveyances, § 14:30
- homestead exemption, § 14:29
- introduction, § 14:1
- issues presented, § 14:1
- jointly owned property, sale of, § 14:13
- landlord's lien, § 14:28
- lease, generally, § 14:2
- lien of landlord, § 14:28
- nonresidential leases, § 14:17, 14:25
- partial assumption of lease, § 14:1, 14:16
- pre-petition lease terminations, fraudulent conveyances from, § 14:30

**LEASES—Cont'd**

Bankruptcy proceedings—Cont'd

reinstatement of lease, § **14:30**

rejection of expired lease. Assumption or rejection of unexpired leases, above in this group

relief from automatic stay, § **14:6, 14:8**

restrictive clauses, § **14:14**

sale, or lease of property, generally, § **14:12, 14:13**

security deposit, § **14:29**

services and supplies, § **14:20**

shopping center leases, § **14:19**

stay of proceedings. Automatic stay, above in this group

supplies, assumption or rejection of unexpired leases, § **14:20**

termination of automatic stay, § **14:5**

time to assume or reject unexpired leases, § **14:24, 14:25**

unexpired leases. Assumption or rejection of unexpired leases, above in this group

use, sale, or lease of property, § **14:12, 14:22**

violation of automatic stay, § **14:7**

**Commercial Leases** this index

Condemnation

building code, § **3:9, 7:8, 7:11, 7:39, 7:42, 7:48, 7:64, 7:103, 9:15, 15:8, 22:2, 22:3**

**Condemnation. Eminent Domain** this index

**Construction and Interpretation** this index

Copy of lease, affidavit to submit, § **App. E:12**

**Creation of Tenancy** this index

Creditors' meeting in bankruptcy proceedings, § **14:10**

Debtor landlord, bankruptcy proceedings, § **14:27**

Deed of lease

creation of tenancy, § **3:2, 3:3**

memorandum of lease, § **App. I:1**

Default

bankruptcy proceedings, § **14:18**

Servicemembers' Civil Relief Act, § **13:5**

Definition of lease, § **14:2**

Demolition

notices

Also see Common Law, § **6:23, 7:35, 7:104, 8:9**

Deposit

bankruptcy proceedings, § **14:29**

manufactured home, transfer, § **8:16**

pet deposits, § **7:11, 7:30, 15:10**

**Eminent Domain** this index

Estoppel to avoid automatic rejection, § **14:26**

Exemptions and exclusions

business use exemption, § **7:12**

distress warrants, § **20:14**

## INDEX

### LEASES—Cont'd

Exemptions and exclusions—Cont'd

fair housing laws, § 15:3

#### Exemptions and exclusions

**Homestead Exemption** this index

**Leases** this index

**Virginia Residential Landlord and Tenant Act** this index

#### Forms

assignments of lease, § **App. L:1**

guarantees of lease

long form, § **App. K:2**

Servicemembers' Civil Relief Act by guarantors, § **App. K:3**

short form, § **App. K:1**

waiver of Servicemembers' Civil Relief Act, § **App. K:3**

lead-based paint disclosure form, § **App. F:1**

memorandum of lease, § **App. I:1**

modification and addendum to lease, § **App. J:1**

residential lease, VRLTA, § **App. F:2**

Servicemembers' Civil Relief Act, § **App. K:3**

waiver of Servicemembers' Civil Relief Act, § **App. K:3**

Fraudulent conveyances, § 14:30

Guarantees of lease. Forms, above

Homestead exemption

leases, § 14:29

poor debtor's exemption, § 11:2

Jointly owned property, sale of, § 14:13

Lead-based paint disclosure form, § **App. F:1**

Liens and encumbrances

generally, § 11:1

landlord's lien, § 11:1, 11:2, 14:28

residential cases, § 11:2

Manufactured homes

lot lease, § **App. F:4**

regulations, § **App. F:5**

Memorandum of lease

creation of tenancy, § 3:4

forms, § **App. I:1**

Modification and addendum to lease, form, § **App. J:1**

Nonresidential leases, § 14:17, 14:25

Partial assumption of lease, § 14:1, 14:16

Pre-bankruptcy petition lease terminations, § 14:30

Reinstatement of lease, § 14:30

Rejection of expired lease. Bankruptcy proceedings, above

Relief from automatic stay of bankruptcy proceedings, § 14:6, 14:8

Restrictive clauses, § 14:14

Sale, or lease of property, generally, § 14:12, 14:13, 14:22

Security deposit, bankruptcy proceedings, § 14:29

**LEASES—Cont'd**

- Servicemembers' Civil Relief Act
  - form of waiver, § **App. K:3**
  - termination of lease by tenant, § **13:3B**
- Services and supplies, bankruptcy proceedings, § **14:20**
- Shopping center leases, § **14:19, App. G:2**
- Statutory duty, § **9:13**
- Stay of proceedings. Bankruptcy proceedings, above
- Subletting and Assignments** this index
- Supplies, assumption or rejection of unexpired leases, § **14:20**
- Tenant's petition, relief from unlawful exclusion, § **App. E:13**
- Termination
  - automatic stay of bankruptcy proceedings, § **14:5**
  - Manufactured Home Lot Rental Act, termination of tenancy, § **8:9, 8:10**
  - Servicemembers' Civil Relief Act, § **13:3B**
- Time to assume or reject unexpired leases, § **14:24, 14:25**
- Tort liability, § **9:13**
- Unexpired leases, assumption or rejection of. Bankruptcy proceedings, above
- Use of property
  - generally, § **14:12, 14:13, 14:22**
  - construction, rules, § **4:3**
- Violation of automatic stay of bankruptcy proceedings, § **14:7**
- Waiver of Servicemembers' Civil Relief Act, form of, § **App. K:3**

**LEGAL AID**

- Contact information, virginia residential rental agreements, § **7:17**

**LETTER OF INTENT**

- Creation of tenancy, § **3:6**

**LEVY**

- Distress warrants, § **20:9**

**LIENS AND ENCUMBRANCES**

- Generally, § **11:1**
- Avoidance, § **11:1**
- Crops, landlord's lien, § **11:1**
- Distress warrants, § **20:10**
- Landlord's lien, § **11:1, 11:2**
- Leases, § **14:28**
- Residential cases, § **11:2**

**LIGHTING**

- Premises liability, § **9:9, 9:14**

**LIMITATION OF ACTIONS**

- Statute of Limitations** this index

**LIMITATIONS AND RESTRICTIONS**

- Construction, rules, restrictions on use, § **4:3**
- Distress warrants, § **20:11**

## INDEX

### **LIMITATIONS AND RESTRICTIONS—Cont'd**

Leases, restrictive clauses, § 14:14

Virginia residential rental agreements, limitation of liability, § 7:45

### **LIQUIDATED DAMAGES**

Generally, § 7:59, 7:60, 7:98

### **LOCKS**

Virginia residential rental agreements, § 7:42

### **LOST PROFITS**

Damages, § 19:6

### **MAINTENANCE OF DWELLING UNIT BY TENANT**

Common law, § 6:8

Virginia residential rental agreements, § 7:48, 7:92

### **MAINTENANCE OF PREMISES BY LANDLORD**

Common law, § 6:8

**Virginia Residential Landlord and Tenant Act** this index

### **MANUFACTURED HOMES**

Generally, § 8:1 to 8:18

Abandonment of unit, tenant's obligations, § 8:5

Access, § 8:4, 8:7

Age of home, sale based on, § 8:12

Application of Manufactured Home Lot Rental Act (MHLTA), § 8:2

Cable or satellite access, prohibited charges, § 8:6

Clean and safe conditions, tenant's obligations, § 8:5

Commissions on sales, prohibited charges, § 8:6

Copy of rental agreement, § 8:3

Definitions, § 7:11, 8:2

Deposit transfer, § 8:16

Entrance fees, prohibited charges, § 8:6

Eviction

exclusive grounds, § 8:8

removal of home from park, time allowed for, § 8:1

right to sell manufactured home upon eviction, § 8:14

Exit fees, prohibited charges, § 8:6

Fit and habitable condition, landlord's obligations, § 8:4

"For sale" signs, § 8:12

Forms

lease form, § App. F:4

rejection by tenant of landlord's offer of one year term, § App. F:6

rules and regulations, § App. F:5

Free choice of vendors, § 8:8

Garbage and waste removal, landlord's obligations, § 8:4

Injunctive relief, § 8:17

Landlord's obligations, generally, § 8:4

Local governments, § 8:18

Manufactured home lot, defined, § 8:2

**MANUFACTURED HOMES—Cont’d**

Manufactured Home Lot Rental Act (MHLTA), generally, § 8:1 to 8:18

Manufactured home park, defined, § 8:2

Notice

change of terms of rental contract, § 8:3

rehabilitation of manufactured home park, notice required for, § 8:11

reservation, landlord’s acceptance of rent with, § 8:10

retaliatory conduct, § 8:13

sale or lease of manufactured home by owner, § 8:12

termination of tenancy, § 8:8

Obligations of landlord, generally, § 8:4

Penalties, § 8:15

Prohibited charges, § 8:6

Rejection by tenant of landlord’s offer of one year term, form, § App. F:6

Resale charges for utilities, prohibited charges, § 8:6

Resale of utilities to tenant, § 8:1

Retaliatory conduct, § 7:103, 8:13

Right to sell, eviction, § 8:14

Rules and regulations, forms, § App. F:5

Sale or lease of manufactured home by owner, § 8:12

Self-help, § 8:11

Submetering, energy allocation equipment, or ratio billing, § 6:22

Tenant’s obligations, generally, § 8:5

Termination of tenancy, § 8:9, 8:10, 8:13

Transfer of deposits, § 8:16

Utility services, § 8:1 to 8:3, 8:6

Waiver of landlord’s right to terminate, § 8:10

Written rental agreement, § 8:3

**MARKET VALUE**

Damages, § 19:1

**MATERIALITY OF BREACH**

Construction, rules, § 4:6

**MEASURE OF COMPENSATION**

Eminent domain, § 16:1

**MEDICAL INSTITUTIONS**

Generally, § 7:12

**MEMORANDUM OF LEASE**

Creation of tenancy, § 3:4

Forms, § App. I:1

**METHAMPHETAMINE**

Disclosure obligations, § 7:37

**MILITARY**

Affidavits, forms, § App. E:7

Default judgment, § 20:22



## INDEX

### **MILITARY—Cont'd**

Early termination by military personnel, § 7:59

Foreclosure, § 13:4

**Servicemembers' Civil Relief Act** this index

Status, fair housing, § 15:7

Virginia Residential Landlord and Tenant Act, early termination by military, tenant remedies, § 7:59

### **MINIMUM RENT**

Commercial leases, § 23:8

### **MINORS**

**Children and Minors** this index

### **MISCHIEF RULE**

Statutory construction, § 4:5

### **MITIGATION OF DAMAGES**

Generally, § 19:1

Virginia Residential Landlord and Tenant Act (VRLTA), § 7:96

### **MODIFICATION OR CHANGE**

Fair housing, § 15:12

Virginia residential rental agreements, no unilateral change without written consent, § 7:24

### **MOLD**

Common law of Virginia, § 9:11

Definition, § 7:11

Disclosure duties of landlord, § 7:32, 7:37

Relocation of tenant for mold remediation tenant, § 7:52

**Virginia Residential Landlord and Tenant Act** this index

### **MONTH-TO-MONTH TENANCY**

Creation of tenancy, § 3:1, 6:8, 6:10, 6:23, 7:88, 7:97, 7:102, 8:5

### **MOTELS AND HOTELS**

Generally, § 7:12

### **MUFFLER ON SIDEWALK**

Premises liability, § 9:3

### **NATIONAL ORIGIN**

Fair housing, § 15:2, 15:3

### **NATURAL PONDS AND LAKES**

Premises liability, § 9:3

### **NET LEASES**

Commercial leases, § 23:12

### **NOISE**

Disclosure obligations, § 7:37

**NON-DELEGABLE DUTIES**

Premises liability, § 9:2

**NON-MONEY RENT**

Distress warrants, § 20:20

**NON-RESIDENTIAL RENTALS**

Debt collection, § App. D:1

Forms, § App. D:1

Notice, debt collection, § App. D:1

**NONCOMPLIANCE BY LANDLORD**

Common law, § 6:5

**Virginia Residential Landlord and Tenant Act** this index

**NONCOMPLIANCE BY TENANT**

**Virginia Residential Landlord and Tenant Act** this index

**NONDISTURBANCE AGREEMENT**

Commercial leases, § 23:24

Forms, § App. N:1

**NONRESIDENT OWNER**

Generally, § 2:1, 2:2, 23:1

Residential, § 2:1

**NONRESIDENTIAL LEASES**

Bankruptcy, § 14:17, 14:25

**Commercial Leases** this index

**NOTICES**

Burden of proof, § 7:11, 7:13, 7:15, 7:67

Commercial leases, time and manner of giving notice, options and renewals,  
§ 23:6

**Common Law of Virginia** this index

Construction rules, notice to terminate, § 4:2

Debt collection, § 21:7

Definitions, § 7:11, 7:13

**Five Day Notices** this index

Forms

fourteen day notice to cure for residential dwelling, § App. D:2

non-residential rentals, § App. D:1

non-waiver letter under Virginia Residential L. & T. Act, § App. D:5

recurring breach, thirty day notice to quit for, § App. D:4

thirty day notice to quit, § App. D:4

twenty-one to thirty day notice to cure or quit, § App. D:3

Virginia Residential L. & T. Act, non-waiver letter under, § App. D:5

Fourteen day notice to cure for residential dwelling, § App. D:2

Insecticides, use of notice to tenants of use of, § 7:44

Lead-based paint exposure, § 22:3

**Manufactured Homes** this index

Non-waiver letter under Virginia Residential L. & T. Act, form of, § App. D:5

## INDEX

### NOTICES—Cont'd

- Noncompliance notice, § 6:5, 7:57, 7:58
- Nonpayment of rent, five day notices, § 6:3
- Pesticides, use of notice to tenants of use of, § 7:44
- Presumptions and burden of proof, § 7:11, 7:15, 7:67
- Public housing notice requirement, § 7:16
- Recurring breach, form of thirty day notice to quit for, § App. D:4
- Rehabilitation or conversion, § 6:23, 7:26
- Service of notice, presumptions, § 7:15, 7:67
- Thirty day notice to quit, form of, § App. D:4
- Twenty-one to thirty day notice to cure or quit, form of, § App. D:3
- Virginia Residential Landlord and Tenant Act** this index

### NUISANCE

- Attractive nuisance, § 9:3

### OBLIGATIONS

- Manufactured Homes** this index
- Protective orders, exclusion of a tenant, § 7:42
- Tenant's Duties and Obligations** this index
- Virginia Residential Landlord and Tenant Act** this index

### OLD PERSONS

- Fair housing, § 15:2, 15:3

### OPEN AND OBVIOUS DANGERS

- Premises liability, § 9:3

### OPINION EVIDENCE

- Expert and Opinion Evidence** this index

### OPTIONS

- Commercial leases, § 23:6
- Creation of Tenancy** this index

### PAINT

- Lead-Based Paint** this index
- Maintenance and repair duties, § 6:8, 7:41, 7:48

### PANDEMIC

- Current dispute, status of, § 1:1
- Tenant screening protections, § 1:2

### PARTIAL ASSUMPTION

- Leases, § 14:1, 14:16

### PARTIAL CASUALTY

- Commercial leases, § 23:22

### PARTIAL TAKING

- Eminent domain, § 16:5

### PARTIES, IDENTIFICATION OF

- Commercial leases, § 23:3

**PEACEFUL COVENANT**

Statutory shorthand, § 4:4

**PEEPHOLES**

Virginia residential rental agreements, § 7:42

**PENALTIES**

Damages, § 19:9

Debt collection, § 21:9

Manufactured Home Lot Rental Act, § 8:15

**PENSIONS AND RETIREMENT**

Servicemembers' Civil Relief Act, retired military personnel, § 13:2

**PERCENTAGE LEASES**

Commercial leases, § 23:11

**PERIODIC TENANCIES**

Generally, § 3:1, 6:8, 6:10, 6:23, 7:88, 7:97, 7:102, 8:5

Creation of tenancy, § 3:1

**PERPETUITIES**

Rule against perpetuities, § 3:8

**PESTICIDES**

Notice to tenants of use of, § 7:44

**PETITIONS**

Distress warrants, § 20:8

**PETS**

Animals this index

**PHARMACIES AND PHARMACISTS**

Restricted use, § 4:3

**PLAIN OR COMMON MEANING**

Construction, rules, § 4:2

**POLICE AND LAW ENFORCEMENT OFFICERS**

Premises liability, § 9:7

**PONDS**

Premises liability, § 9:3

**POSSESSION**

Creation of tenancy, § 3:4, 3:5

Damages, § 19:5

Distress warrants, § 20:13

Failure to deliver possession, § 7:62

Foreclosure, § 3:4

Noncompliance of landlord as defense to action for possession for nonpayment of rent, § 7:83

## INDEX

### **PRE-PETITION LEASE TERMINATIONS**

Fraudulent conveyances from pre-petition lease terminations, § 14:30

### **PREJUDICE**

Servicemembers' Civil Relief Act, § 13:5

### **PREMISES LIABILITY**

Generally, § 9:1 to 9:15

Acts of tenants and their employees, § 9:8

Artificial bodies of water, § 9:3

Assaults, liability for, § 9:9

Attractive nuisance, § 9:3

Avoidance of liability by delegation, § 9:2

Canal, falling into, § 9:3

Children, dangers to, generally, § 9:3

Common areas, § 9:4

Common law duty, generally, § 9:3 to 9:7

Contract liability, § 9:10

Criminal acts of third persons, landlord's liability for, § 9:9, 9:10

Decayed porch flooring, § 9:7

Delegation, avoidance of liability by, § 9:2

Elevators, § 9:3

Employees of tenant, landlord's liability for acts of, § 9:8

Exculpatory clauses, § 9:12

Exoneration clauses, § 9:12

Factors for consideration, § 9:1

Firefighters, § 9:7

Fishermen, § 9:7

Guests, personal injuries, § 9:3

Hidden defects, § 9:3, 9:6, 9:7

Hunters, § 9:7

Ice and snow, § 9:5

Invitees and guests of tenant, § 9:3

Landlord's liability for acts of tenants and tenant's employees, § 9:8

Latent defects, § 9:6, 9:7

Law enforcement officers, common law duty and latent defects, § 9:7

Lead-based paint exposure, § 22:3

Lead-based paint maintenance immunity, § 9:15

Lighting, duty to provide, § 9:9, 9:14

Misaligned elevator, § 9:3

Muffler on sidewalk, § 9:3

Natural ponds and lakes, § 9:3

Non-delegable duties, § 9:2

Open and obvious, § 9:3

Police and law enforcement officers, § 9:7

Pond, falling into, § 9:3

Proper use, latent defects, § 9:6

Repairs, § 9:7, 9:11

**PREMISES LIABILITY—Cont'd**

- Residential Landlord and Tenant Act, § 9:13
- Sightseers, § 9:7
- Skylight, falling from, § 9:3
- Sportsmen, § 9:7
- Stairs and stairways, § 9:3, 9:14
- Standard of care, latent defects, § 9:7
- Swimming pools, § 9:3
- Tenant, landlord's liability for acts of, generally, § 9:14
- Third persons, landlord's liability for criminal acts of, § 9:9
- Tort liability, § 9:9
- Virginia Residential Landlord and Tenant Act, liability of landlord under, generally, § 9:13
- Waiver, § 9:3

**PREPAID RENT**

- Virginia residential rental agreements, § 7:25

**PRESENCE**

- Absence or Presence** this index

**PRESUMPTIONS AND BURDEN OF PROOF**

- Abandonment of premises, § 7:94
- Attorney's fees, recovery of, § 12:2
- Bankruptcy, § 14:6, 14:11
- Construction, rules of, § 4:2
- Drug activity, § 7:86
- Essential services, § 7:63
- Fair housing, § 15:1, 15:8, 15:12
- Lost profits, § 19:6
- Maintenance of premises, § 7:40, 7:41
- Notice, § 7:13, 7:15
- Repair and rebuild duties, § 6:8, 7:67, 7:77
- Retaliatory intent, § 7:104
- Service of notice, § 7:15, 7:67
- Waiver, § 10:1
- Waste, § 6:9

**PRIORITY OF LIEN**

- Distress warrants, § 20:10

**PRIVITY OF CONTRACT**

- Generally, § 3:2

**PROHIBITED PROVISIONS**

- Generally, § 7:1, 7:26, 8:3

**PROPERTY MAINTENANCE CODES**

- Common law, § 6:8

**PROTECTED CLASSES**

- Fair housing, § 15:2, 15:3

## INDEX

### **PROTECTIVE ORDERS**

- Abuse, family or sexual, § 7:60, 7:82, 15:3
- Access under protective orders, § 7:51
- Effect of, § 7:82
- Landlord's obligations, exclusion of a tenant, § 7:42

### **PUBLIC HOUSING**

- Generally, § 7:12, 7:16
- Notice requirement, § 7:16
- Prohibited provisions, § 7:26

### **PUNITIVE DAMAGES**

- Generally, § 19:7
- Bankruptcy, § 14:7
- Common law, § 6:14, 19:7
- Fair housing, § 15:15, 15:16
- Lead-based paint disclosure requirements, § 22:1
- Self-help, landlord's use of, § 6:14
- Wrongful distraint, § 20:19

### **PURCHASE OPTIONS**

- Commercial leases, § 23:6
- Creation of tenancy, § 3:8

### **QUIET POSSESSION**

- Common law of Virginia, § 6:6

### **RACE**

- Fair housing, § 15:2, 15:3

### **RATIO BILLING**

- Commercial leases, § 23:25
- Common law of Virginia, § 6:22
- Virginia residential rental agreements, § 7:106

### **RECORDS**

- Maintenance and inspection of, § 7:34

### **REDEMPTION**

- Forfeiture, § 5:1
- Nonpayment of rent, § 7:95, 20:23
- Residential ground rent, § 3:12
- Servicemembers, § 13:10
- Tender of, § 5:1

### **REFERRAL FEE**

- Creation of tenancy, § 3:14

### **REGISTERED AGENT**

- Suggested form for appointment of, § App. C:1

### **REHABILITATION**

- Conversion for rehabilitation, § 6:23, 7:26

**REINSTATEMENT**

Leases, § 14:30

**REJECTION OF LEASES**

Leases this index

**RELEASE AGREEMENTS**

Unconscionability, § 4:2

**RELIGION**

Generally, § 7:7

Fair housing, § 15:2, 15:3

**RELIGIOUS INSTITUTIONS**

Generally, § 7:12

**RELOCATION**

Eminent domain, relocation assistance, § 16:3

Mold remediation, relocation of tenant for, § 7:52

**REMEDIAL STATUTES**

Construction, rules, § 4:5

**REMOVAL OF GOODS**

Distress warrants, § 20:16

**RENEWAL OPTIONS**

Commercial leases, § 23:6

Creation of tenancy, § 3:8

**RENT**

Acceptance with reservation, § 7:95

Actual possession, § 6:3

**Commercial Leases** this index

Common law of Virginia, § 6:3, 6:4

Damages, § 19:3

Defined, § 7:11, 8:2

Distress warrants, § 20:20

Escalation clauses, § 18:2, 18:4, 23:9

**Escrow** this index

Ground Rents this index

Payment. Rental Payment this index

Receipt and accounting for rent, § 7:19

Right to possession, § 6:3

Virginia residential rental agreements, rent escrow, § 7:75, 7:77

**RENT CONCESSION ADDENDUM**

Forms, § App. H:1

**RENT ESCALATION CLAUSES**

Consumer price index, § 18:2, 18:4, 23:9

**RENT ESCROW**

**Escrow** this index



## INDEX

### **RENTAL AGREEMENT**

- Terms and conditions
  - fee disclosure, § 7:19

### **RENTAL PAYMENT**

- Five day notices, nonpayment of rent, § 6:3
- Judgment in possession cases based on nonpayment of rent, affidavit to obtain,  
§ App. E:3
- Prepaid rent, § 7:25
- Servicemembers' Civil Relief Act, § 13:5
- Virginia residential rental agreements, nonpayment of rent, § 7:83

### **REPAIRS**

- Commercial leases, § 23:17
- Common law of Virginia, § 6:8
- Demolition
  - lease notices, § 6:23, 7:35, 7:104, 8:9
- Landlord's lien, § 11:1
- Landlord's obligations, generally, § 9:13
- Landlord's right of access, § 6:8
- Lead-based paint exposure, § 22:3
- Premises liability, § 9:2, 9:7, 9:11
- Renovation distinguished, § 22:1
  - see also Demolition
- Repair and deduct, tenant's rights, § 7:69

### **RESERVED RENT**

- Eminent domain, § 16:5

### **RESIDENTIAL EXECUTORY REAL ESTATE CONTRACTS ACT**

- Virginia Residential Landlord and Tenant Act, § 7:2

### **RESIDENTIAL GROUND RENT ACT**

- Creation of tenancy, § 3:12

### **RESIDENTIAL RENTAL AGREEMENTS**

- Generally, § 7:1 to 7:105
- Absence, nonuse, or abandonment by tenant, § 7:94, 7:99 to 7:101
- Abuse victims
  - early termination of lease by, § 7:60
- Abuse victims**
  - Family Abuse** this index
- Acceptance of rent with reservation, § 7:95
- Access, § 7:50, 7:51, 7:99
- Accident zone disclosure, § 7:37
- Applicability of VRLTA, § 7:10
- Application fees, § 7:18
- Application of Residential Executory Real Estate Contracts Act, § 7:2
- Application of VRLTA, § 7:12
- Assignment and subleasing, § 7:11, 7:22
- Attorney fees, § 7:1, 7:2, 7:88

**RESIDENTIAL RENTAL AGREEMENTS—Cont'd**

- Bad or good faith, § 7:8, 7:11, 7:72
- Board for Housing and Community Development, § 7:5
- Cable or satellite access, § 7:43
- Car washing rules and regulations, § 7:49
- Change, no unilateral change without written consent, § 7:24
- Child Care, § 7:53
- Comparisons and differences, table of, § 7:1
- Condemnation of unit
  - Tenant remedies, § 7:76
- Confidential information, § 7:27
- Constitutional challenge, § 7:12
- Consumer Protection Act, § 7:4
- Criminal or willful conduct of tenant, § 7:86
- Damages
  - generally, § 19:8
  - absence, nonuse or abandonment by tenant, § 7:94
  - access, § 7:50, 7:99
  - application fees, § 7:18
  - deceased tenant's property, disposal of, § 7:102
  - definitions, § 7:11
  - delivery of possession, failure to deliver, § 7:62
  - early termination, § 7:59, 7:60
  - enforcement of VRLTA, § 7:105
  - essential services, failure to provide, § 7:63
  - fire or casualty damage, § 7:64
  - good faith, § 7:8
  - holdover remedies, § 7:98
  - maintenance of dwelling unit by tenant, § 7:48
  - maintenance of premises, § 7:39
  - maintenance of premises by landlord, § 7:43
  - mitigation of, § 7:96, 19:1
  - noncompliance by landlord, generally, § 7:56
  - noncompliance by tenant, generally, § 7:81 to 7:91
  - ouster, unlawful ouster by landlord, § 7:76
  - prohibited provisions, § 7:26
  - remedies of tenant, generally, § 7:55
  - rent, nonpayment of, § 7:83
  - retaliatory action, § 7:104
  - security deposits and inspections, § 7:30, 7:31, 7:38
  - setoff & recoupment, § 7:54
  - surrender of premises by tenant, § 7:54
  - termination, landlord's remedies after, § 7:96
  - written notice, § 7:55
- Death of tenant, § 7:102
- Definitions, § 7:2, 7:11, 7:15, 7:30, 7:61
- Delivery of lease, § 7:23

## INDEX

### **RESIDENTIAL RENTAL AGREEMENTS—Cont'd**

- Disclosure, § 7:37
- Disposal of abandoned property, § 7:100, 7:101
- Disposal of deceased tenant's property, § 7:102
- Drywall, disclosure, § 7:37
- Early termination
  - foreign service member, § 7:59
  - military, § 7:59
  - victims of abuse, § 7:60
- Energy allocation equipment, § 7:106
- Enforcement of VRLTA, § 7:105
- Escrow account, § 7:25
- Essential services, landlord's failure to provide, § 7:63, 7:97
- Exemptions
  - elimination of, § 7:1
  - elimination of VLRTA exemptions, § 7:1
  - Residential Executory Real Estate Contracts Act, § 7:2
- Family Abuse** this index
- Federally related loan, defined, § 7:61
- Fees
  - application fees, § 7:18
  - damages, application fees, § 7:18
  - late fee, § 7:21
- Fire or casualty damage, § 7:64
- Good or bad faith, § 7:8, 7:11, 7:72
- Guest or invitee of tenant
  - barring, § 7:91
  - defined, § 7:11
- Historical perspective of VRLTA, § 7:6
- Holdover remedies, § 7:98
- Insecticides, notice to tenants of use of, § 7:44
- Inspection. Security deposits and inspection, below
- Insurance
  - fee disclosure, § 7:19
- Insurance, Fee disclosure, § 7:19
- Interest, security deposits, § 7:33
- Key changes and new code sections, § 7:1
- Landlord obtaining insurance, § 7:20
- Landlord remedies
  - generally, § 7:81 et seq.
  - absence, nonuse, or abandonment by tenant, § 7:94, 7:99 to 7:101
  - acceptance of rent with reservation, § 7:95
  - access, remedies for abuse of, § 7:99
  - computation of time, § 7:89
  - disposal of abandoned property, § 7:100, 7:101
  - disposal of deceased tenant's property, § 7:102
  - enforcement of VRLTA, § 7:105

**RESIDENTIAL RENTAL AGREEMENTS—Cont'd**

Landlord remedies—Cont'd

guest or invitee of tenant, barring, § 7:91

holdover remedies, § 7:98

maintain, tenant's failure to, § 7:92

mitigation of damages, § 7:96

noncompliance by tenant, below

notice, § 7:89

redemption, tenant's right of, § 7:95

retaliatory action, § 7:103, 7:104

self-help prohibited, § 7:97

time, landlord's remedy after termination, § 7:96

Landlord's obligations, generally, § 7:29 to 7:46

Late fee, § 7:21

Laundry facilities use, rules and regulations, § 7:49

Legal aid contact information, § 7:17

Limitation of liability, maintenance of premises by landlord, § 7:45

Locks and peepholes, § 7:42

Maintenance of dwelling unit by tenant, § 7:48, 7:92

Maintenance of premises by landlord

generally, § 7:39 to 7:46

cable or satellite access, § 7:43

change of terms, notice, § 7:46

duties of landlord, generally, § 7:40

limitation of liability, § 7:45

locks and peepholes, § 7:42

pesticides, notice to tenants of use of, § 7:44

respondeat superior, § 7:41

shifting of duty, § 7:41

third person, duty to, § 7:41

Methamphetamine disclosure, § 7:37

Military, early termination by, § 7:59

Mold, inspection and disclosure duties, § 7:32

Mold remediation

definition, § 7:11

inspection and disclosure duties, § 7:37

landlord's duty to maintain premises, § 7:40

relocation of tenant, § 7:52

Noise, § 7:37

Non-lawyers, recovery of rent or possession, § 7:93

Noncompliance by landlord

generally, § 7:56 to 7:58, 7:64 to 7:73

bad faith of tenant, § 7:72

defense, noncompliance as, § 7:64 to 7:73

notice of noncompliance, § 7:57, 7:58, 7:67

order of court, § 7:71

possession, tenant not in, § 7:73

## INDEX

### **RESIDENTIAL RENTAL AGREEMENTS—Cont'd**

#### Noncompliance by landlord—Cont'd

- rent, landlord's claim unrelated to, § 7:74
- rent-paid-into-court, § 7:68
- response of landlord, § 7:70
- tenant, defenses available to, § 7:66
- written notice of noncompliance, § 7:67

#### Noncompliance by tenant

- generally, § 7:81 to 7:91
- attorney fees, § 7:88
- criminal or willful conduct, § 7:86
- family abuse protective order, § 7:82
- non-remedial breach, § 7:85
- non-rent breaches, § 7:84
- nonpayment of rent, § 7:83
- recurring breach, § 7:87

#### Nonpayment of rent, § 7:83

#### Notice

- generally, § 7:14 to 7:16
- access to premises, § 7:50
- change of terms, § 7:46
- computation of time, § 7:89
- damages, written notice, § 7:55
- defined, § 7:11, 7:14
- insecticides, use of, § 7:44
- landlord remedies, § 7:89, 7:90
- public housing notice requirement, § 7:16
- sheriff authorized to serve, § 7:90
- tenant remedies, § 7:57, 7:58
- written notice, § 7:55

#### Overview, § 7:1

#### Owner registration, § 7:3

#### Parking rules and regulations, § 7:49

#### Pesticides, notice to tenants of use of, § 7:44

#### Preexisting tenancy, foreclosure on, § 7:61

#### Preliminary remarks, § 7:47

#### Prepaid rent, § 7:25

#### Prohibited provisions, § 7:26

#### Protection, tenant after foreclosure, § 7:61

#### Public housing, § 7:10, 7:12, 7:16

#### Purposes of VRLTA, § 7:10, 7:12

#### Ratio billing, § 7:106

#### Records, maintenance and inspection of, § 7:34

#### Redemption, tenant's right of, § 7:95

#### Relocation of tenant for mold remediation tenant, § 7:52

#### Rent escrow, § 7:75, 7:77 to 7:80

#### Residential Executory Real Estate Contracts Act, § 7:2

**RESIDENTIAL RENTAL AGREEMENTS—Cont'd**

- Retaliatory action, § 7:103, 7:104
- Right to repair and deduct, tenant, § 7:69
- Rules and regulations, § 7:49
- Section 8 tenancies, foreclosure on, § 7:61
- Security deposits and inspection
  - generally, § 7:30 to 7:36, 7:38
  - amount, § 7:30
  - application of deposit, § 7:31
  - assignees, § 7:35, 7:38
  - definition, § 7:11, 7:30
  - interest, § 7:33
  - records, maintenance and inspection of, § 7:34
  - time limitations and inspections, § 7:32
  - transfer of deposit to landlord's assignee, § 7:36
- Self-help prohibited, § 7:97
- Service Members Civil Relief Act (SCRA), early termination of lease by, § 7:59
- Service of notice, § 7:15
- Setoff & Recoupment, damages, § 7:54
- Sexual abuse or assault, early termination of rental agreements by victims of,  
§ 7:60
- Sheriff authorized to serve notice, § 7:90
- Subleasing and assignment, § 7:11, 7:22
- Submetering, § 7:106
- Subsections A through D, application of, § 7:12
- Surrender, tenant to surrender possession at end of term, § 7:54
- Tenant obligations, generally, § 7:47 to 7:49
- Tenant remedies
  - generally, § 7:55 et seq., 7:77 to 7:80
  - abuse victims, early termination of lease by, § 7:60
  - assertion, § 7:73 to 7:76
  - conditions for relief, § 7:74
  - early termination, above
  - enforcement of VRLTA, § 7:105
  - essential services, landlord's failure to provide, § 7:63
  - fire or casualty damage, § 7:64
  - hearing, § 7:80
  - military, early termination by, § 7:59
  - noncompliance by landlord, above
  - notice of noncompliance, § 7:57, 7:58
  - order of court, § 7:71, 7:75
  - possession, failure to deliver, § 7:62
  - protection after foreclosure, § 7:61
  - rent escrow, § 7:74, 7:75
  - retaliatory action, § 7:103, 7:104
  - Service Members Civil Relief Act (SCRA), § 7:59
  - unlawful detainer, § 7:75
  - unlawful ouster, § 7:76

## INDEX

### **RESIDENTIAL RENTAL AGREEMENTS—Cont'd**

- Terms and conditions of rental agreement, generally, § 7:19 to 7:24
- Time limitations and inspections, § 7:32
- Trash removal, rules and regulations, § 7:49
- Unconscionability, § 7:9
- Unlawful detainer, § 7:75
- Use and occupancy by tenant, § 7:53
- Use of property by tenant, § 7:94, 7:99, 7:100
- Victims of abuse. Family Abuse this index
- Water supply, § 7:40, 7:63
- Who may recover rent or possession, non-lawyers, § 7:93
- Written notice requirement, § 7:55

### **RESTORATION AGREEMENTS**

- Fair housing and handicapped persons, § 15:12

### **RESTRICTIONS**

- Limitations and Restrictions this index

### **RESTRICTIVE CLAUSES**

- Leases, § 14:14

### **RETALIATORY ACTION**

- Manufactured homes, § 7:103, 8:13
- Unlawful ouster
  - service interruption, § 7:76

### **RETIRED MILITARY PERSONNEL**

- Servicemembers' Civil Relief Act, § 13:2A

### **REVIEW**

- Appeal and Review this index

### **RIGHT TO POSSESSION**

- Rent, § 6:3

### **RULE AGAINST PERPETUITIES**

- Generally, § 3:8

### **RULES AND REGULATIONS**

- Commercial leases, § 23:16
- Fair housing, § 15:13
- Manufactured homes, § 8:2, 8:5, 8:12
- Residential, § 7:47 to 7:49

### **RULES OF CONSTRUCTION**

- Construction and Interpretation this index

### **SAFETY**

- Clean and Safe Condition this index

### **SALE OF PREMISES**

- Manufactured Home Lot Rental Act, § 8:12, 8:14

**SALES**

Manufactured Home Lot Rental Act, § 8:12, 8:14

**SATELLITE ACCESS**

Manufactured Home Lot Rental Act, prohibited charges, § 8:6, 8:7

Virginia residential rental agreements, § 7:43

**SCHOOLS AND EDUCATION**

Generally, § 7:7

**SECTION 8 HOUSING**

Fair housing, § 15:8

Notice, requirement, § 7:16

**SECURED TRANSACTIONS**

Assignment of rents, § 14:2

Servicemembers' Civil Relief Act, § 13:4

**SECURITY DEPOSITS**

Bankruptcy proceedings, § 14:29

Virginia Residential Landlord and Tenant Act this index

**SECURITY SYSTEMS**

Generally, § 6:19

Common law of Virginia, § 6:19

**SELF-HELP**

Common law of Virginia, § 4:4, 6:14, 6:15

Manufactured Home Lot Rental Act, § 8:11

Right of re-entry shorthand definition, § 4:4

Servicemembers, § 13:1

Virginia residential rental agreements, § 7:55, 7:63, 7:97

Wrongful eviction, § 6:14

**SERVANTS**

Diplomats, § 17:1, 17:6

**SERVICE DOGS**

Fair housing, § 15:10, 15:12, 15:13

Rights and responsibilities, fair housing, § 15:13

**SERVICE STAFF**

Diplomats, § 17:1, 17:5

**SERVICEMEMBERS' CIVIL RELIEF ACT**

Generally, § 13:1 to 13:9

Affidavits, default judgments, § 13:5

Application of Act, § 13:2

Appointment of counsel, § 13:7

Default judgment, § 13:7

Default judgments, § 13:5

Dependents, § 13:2A

Duration of stay of proceedings, § 13:8



## INDEX

### **SERVICEMEMBERS' CIVIL RELIEF ACT—Cont'd**

- Eviction, § 13:3A
- False affidavits, default judgments, § 13:5
- Foreclosure, § 13:5
- Interest, § 13:9
- Leases** this index
- Limitation of actions, § 13:10
- Prejudice, § 13:5
- Rental payment, § 13:5
- Retired military personnel, § 13:2, 13:2A
- Secured transactions, § 13:4
- Statute of limitations, § 13:10
- Stay of proceedings, § 13:1, 13:6, 13:8
- Summary of Act, § 13:1
- Termination of lease by tenant, § 13:3B
- Virginia Residential Landlord and Tenant Act, early termination of lease, § 7:59
- Waiver of application of Act, § 13:2B

### **SERVICES AND SUPPLIES**

- Bankruptcy proceedings, § 14:20

### **SETOFF & RECOUPMENT**

- Virginia Residential Landlord and Tenant Act, § 7:54

### **SEX OR GENDER**

- Fair housing, § 15:2, 15:3

### **SEXUAL ABUSE OR ASSAULT**

- See Family Abuse
- See Protective Orders
- Early termination of rental agreements by victims of, § 7:60
- Fair housing, § 15:3

### **SEXUAL ORIENTATION**

- Fair housing, § 15:5

### **SHERIFFS**

- Virginia Residential Landlord and Tenant Act, sheriff authorized to serve notice, § 7:90

### **SHOPPING CENTER LEASES**

- Generally, § 14:19
- Forms, § App. G:2

### **SIGHTSEERS**

- Premises liability, § 9:7

### **SKYLIGHT, FALLING FROM**

- Premises liability, § 9:3

### **SMOKE DETECTORS**

- Generally, § 7:40, 7:48

**SOCIAL GROUPS**

Occupancy by, § 7:12

**SPECIAL DAMAGES**

Eminent domain, § 16:6

**SPORTS**

Premises liability, sportsmen, § 9:7

**STAIRS AND STAIRWAYS**

Premises liability, § 9:3, 9:14

**STATE DEPARTMENT**

Diplomats, § 17:9

**STATUTE OF CONVEYANCES**

Creation of tenancy, § 3:4

**STATUTE OF FRAUDS**

Creation of tenancy, § 3:4

**STATUTE OF LIMITATIONS**

Ground rents, § 3:11

Servicemembers' Civil Relief Act, § 13:10

**STATUTES**

Construction, rules, statutory shorthand, § 4:4

Conveyances, § 3:4

**STATUTORY SHORTHAND**

Assignments, § 4:4

**Common Law of Virginia** this index

Construction, rules, § 4:4

Enjoyment, § 4:4

Repair, duty to, § 4:4

**STAY OF PROCEEDINGS**

**Leases** this index

Servicemembers' Civil Relief Act, § 13:1, 13:6, 13:8

**SUBLETTING AND ASSIGNMENTS**

Assertions, tenant, § 20:6

Bankruptcy proceedings, § 14:14, 14:15

Commercial leases, § 23:19

Common law of Virginia, § 6:12, 6:13

Forms of assignments of lease, § App. L:1

Residential rentals, § 7:11

Statutory shorthand, § 4:4

**Subletting and Assignments** this index

Virginia residential rental agreements, § 7:11, 7:22

**SUBMETERING**

Commercial leases, § 23:25

Common law of Virginia, § 6:22

## INDEX

### **SUBMETERING—Cont'd**

Virginia residential rental agreements, § 7:106

### **SUBORDINATES**

Commercial leases, § 23:24

### **SUBORDINATION AGREEMENT**

Forms, § App. N:1

### **SUMMONS**

Unlawful detainer summons, form of, § App. E:2

### **SUPPLIES**

Assumption or rejection of unexpired leases, § 14:20

### **SUPPLIES AND MATERIALS**

Assumption or rejection of unexpired leases, § 14:20

### **SURRENDER OF POSSESSION**

Virginia residential rental agreements, § 7:54

### **SWIMMING POOLS**

Premises liability, § 9:3

### **TAXES**

Bankruptcy, § 14:2

Commercial leases, § 23:11, 23:13

Forfeiture, § 5:1

Submetering, energy allocation equipment, and ratio billing, § 6:22, 7:106

### **TECHNICAL STAFF**

Diplomats, § 17:1, 17:4

### **TEMPORARY OR PARTIAL TAKING**

Eminent domain, § 16:5

### **TENANT ASSERTION**

Generally, § 7:77 to 7:80

### **TENANT PROTECTION**

After foreclosure, § 3:3, 7:61

### **TENANT'S DUTIES AND OBLIGATIONS**

Constructive eviction, § 6:5

Diplomatic immunity, § 17:8

Eminent domain, § 16:2, 16:3

**Manufactured Homes** this index

**Virginia Residential Landlord and Tenant Act** this index

### **TENBRAAK v WAFFLE SHOPS**

Abandonment of premises

generally, § 6:10

damages, § App. O

**TERMINATION**

- Automatic stay of bankruptcy proceedings, § 14:5
- Early Termination of Rental Agreement** this index
- Landlord's remedies after, Virginia residential rental agreements, § 7:96
- Manufactured Home Lot Rental Act, termination of tenancy, § 8:9, 8:10
- Servicemembers' Civil Relief Act, § 13:3B

**TEXT OF UNIFORM RESIDENTIAL LANDLORD AND TENANT ACT**

- Generally, § App. B

**THIRD PERSONS**

- Premises liability, § 9:9

**TIME OR DATE**

- Assumption or rejection unexpired leases, § 14:24, 14:25
- Commencement of lease, § 23:7
- Commercial Leases** this index
- Virginia residential rental agreements, time limitations and inspections, § 7:32

**TITLE**

- Trying in general district court, § 20:3, 20:4, 20:21

**TORT CLAIMS**

- Damages, § 19:8

**TOTAL CASUALTY**

- Commercial leases, § 23:22

**TRADE FIXTURES**

- Commercial leases, § 23:20
- Common law of Virginia, § 6:18

**TRANSIENT HOUSING**

- Generally, § 7:13

**TRESPASS**

- Damages, § 19:7

**UNCONSCIONABILITY**

- Generally, § 4:2, 7:7, 7:9

**UNDERTAKINGS**

- Bonds and Undertakings** this index

**UNDUE INFLUENCE**

- Rules of construction, § 4:3

**UNEXPIRED LEASES**

- Leases** this index

**UNLAWFUL DETAINER**

- Eviction** this index
- Virginia residential rental agreements, § 7:75

## INDEX

### UNLAWFUL EXCLUSION

Tenant's petition, relief from, leases, § App. E:13

### USE OF PROPERTY

Commercial leases, § 23:5

Construction, rules, § 4:3

Virginia residential rental agreements, § 7:53, 7:94, 7:99, 7:100

### UTILITY SERVICE

Generally, § 7:63

Definition, § 7:11

Statutory duty, § 6:8, 6:22

**Submetering** this index

Unpaid utilities, § App. D:1 to D:4, App. F:2

### VACATION RESIDENTIAL FACILITIES

Generally, § 7:13

### VALUE OF LEASEHOLD INTEREST

Eminent domain, § 16:3

### VENUE

Debt collection, § 21:8

### VETERANS

Military status, fair housing, § 15:7

Status, fair housing, § 15:7

### VIOLATION

Automatic stay of bankruptcy proceedings, § 14:7

### VIRGINIA CODE

Selected titles from, § App. A

### VIRGINIA CONSUMER PROTECTION ACT

Applicable Code Chapters, § 6:1

### VIRGINIA DISABILITY ACT

Fair housing, § 15:10

### VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT

Generally, § 7:1 to 7:105

Absence, nonuse, or abandonment by tenant, § 7:94, 7:99 to 7:101

Abuse victims

early termination of lease by, § 7:60

**Abuse victims**

**Family Abuse** this index

Acceptance of rent with reservation, § 7:95

Access, § 7:50, 7:51, 7:99

Accident zone disclosure, § 7:37

Applicability of VRLTA, § 7:10

Application fees, § 7:18

Application of Residential Executory Real Estate Contracts Act, § 7:2

**VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT—Cont'd**

- Application of VRLTA, § 7:12
- Assignment and subleasing, § 7:11, 7:22
- Attorney fees, § 7:1, 7:2, 7:88
- Bad or good faith, § 7:8, 7:11, 7:72
- Board for Housing and Community Development, § 7:5
- Cable or satellite access, § 7:43
- Car washing rules and regulations, § 7:49
- Change, no unilateral change without written consent, § 7:24
- Child Care, § 7:53
- Comparisons and differences, table of, § 7:1
- Confidential information, § 7:27
- Constitutional challenge, § 7:12
- Consumer Protection Act, § 7:4
- Criminal or willful conduct of tenant, § 7:86
- Damages
  - generally, § 19:8
  - absence, nonuse or abandonment by tenant, § 7:94
  - access, § 7:50, 7:99
  - application fees, § 7:18
  - deceased tenant's property, disposal of, § 7:102
  - definitions, § 7:11
  - delivery of possession, failure to deliver, § 7:62
  - early termination, § 7:59, 7:60
  - enforcement of VRLTA, § 7:105
  - essential services, failure to provide, § 7:63
  - fire or casualty damage, § 7:64
  - good faith, § 7:8
  - holdover remedies, § 7:98
  - maintenance of dwelling unit by tenant, § 7:48
  - maintenance of premises, § 7:39
  - maintenance of premises by landlord, § 7:43
  - mitigation of, § 7:96
  - noncompliance by landlord, generally, § 7:56
  - noncompliance by tenant, generally, § 7:81 to 7:91
  - ouster, unlawful ouster by landlord, § 7:76
  - prohibited provisions, § 7:26
  - remedies of tenant, generally, § 7:55
  - rent, nonpayment of, § 7:83
  - retaliatory action, § 7:104
  - security deposits and inspections, § 7:30, 7:31, 7:38
  - surrender of premises by tenant, § 7:54
  - termination, landlord's remedies after, § 7:96
  - written notice, § 7:55
- Death of tenant, § 7:102
- Definitions, § 7:2, 7:11, 7:15, 7:30, 7:61
- Delivery of lease, § 7:23

## INDEX

### **VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT—Cont'd**

- Disclosure, § 7:37
- Disposal of abandoned property, § 7:100, 7:101
- Disposal of deceased tenant's property, § 7:102
- Drywall, disclosure, § 7:37
- Early termination
  - foreign service member, § 7:59
  - military, § 7:59
  - victims of abuse, § 7:60
- Energy allocation equipment, § 7:106
- Enforcement of VRLTA, § 7:105
- Escrow account, § 7:25
- Essential services, landlord's failure to provide, § 7:63, 7:97
- Exemptions
  - elimination of, § 7:1
  - elimination of VLRTA exemptions, § 7:1
  - Residential Executory Real Estate Contracts Act, § 7:2
- Family Abuse** this index
- Federally related loan, defined, § 7:61
- Fees
  - application fees, § 7:18
  - damages, application fees, § 7:18
  - late fee, § 7:21
- Fire or casualty damage, § 7:64
- Good or bad faith, § 7:8, 7:11, 7:72
- Guest or invitee of tenant
  - barring, § 7:91
  - defined, § 7:11
- Historical perspective of VRLTA, § 7:6
- Holdover remedies, § 7:98
- Insecticides, notice to tenants of use of, § 7:44
- Inspection. Security deposits and inspection, below
- Insurance
  - fee disclosure statement, § 7:19
- Interest, security deposits, § 7:33
- Key changes and new code sections, § 7:1
- Landlord obtaining insurance, § 7:20
- Landlord remedies
  - generally, § 7:81 et seq.
  - absence, nonuse, or abandonment by tenant, § 7:94, 7:99 to 7:101
  - acceptance of rent with reservation, § 7:95
  - access, remedies for abuse of, § 7:99
  - computation of time, § 7:89
  - disposal of abandoned property, § 7:100, 7:101
  - disposal of deceased tenant's property, § 7:102
  - enforcement of VRLTA, § 7:105
  - guest or invitee of tenant, barring, § 7:91

**VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT—Cont'd**

- Landlord remedies—Cont'd
  - holdover remedies, § 7:98
  - maintain, tenant's failure to, § 7:92
  - noncompliance by tenant, below
  - notice, § 7:89, 7:90
  - redemption, tenant's right of, § 7:95
  - retaliatory action, § 7:103, 7:104
  - self-help prohibited, § 7:97
  - time, landlord's remedy after termination, § 7:96
- Landlord's obligations, generally, § 7:29 to 7:46
- Late fee, § 7:21
- Laundry facilities use, rules and regulations, § 7:49
- Legal aid contact information, § 7:17
- Limitation of liability, maintenance of premises by landlord, § 7:45
- Locks and peepholes, § 7:42
- Maintenance of dwelling unit by tenant, § 7:48, 7:92
- Maintenance of premises by landlord
  - generally, § 7:39 to 7:46
  - cable or satellite access, § 7:43
  - change of terms, notice, § 7:46
  - duties of landlord, generally, § 7:40
  - limitation of liability, § 7:45
  - locks and peepholes, § 7:42
  - pesticides, notice to tenants of use of, § 7:44
  - respondeat superior, § 7:41
  - shifting of duty, § 7:41
  - third person, duty to, § 7:41
- Methamphetamine disclosure, § 7:37
- Military, early termination by, § 7:59
- Mold, inspection and disclosure duties, § 7:32
- Mold remediation
  - definition, § 7:11
  - inspection and disclosure duties, § 7:37
  - landlord's duty to maintain premises, § 7:40
  - relocation of tenant, § 7:52
- Noise, § 7:37
- Non-lawyers, recovery of rent or possession, § 7:93
- Noncompliance by landlord
  - generally, § 7:56 to 7:58, 7:64 to 7:73
  - bad faith of tenant, § 7:72
  - defense, noncompliance as, § 7:64 to 7:73
  - notice of noncompliance, § 7:57, 7:58, 7:67
  - order of court, § 7:71
  - possession, tenant not in, § 7:73
  - rent, landlord's claim unrelated to, § 7:74
  - rent-paid-into-court, § 7:68



## INDEX

### **VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT—Cont'd**

#### Noncompliance by landlord—Cont'd

- response of landlord, § 7:70
- tenant, defenses available to, § 7:66
- written notice of noncompliance, § 7:67

#### Noncompliance by tenant

- generally, § 7:81 to 7:91
- attorney fees, § 7:88, 12:2
- criminal or willful conduct, § 7:86
- family abuse protective order, § 7:82
- non-remedial breach, § 7:85
- non-rent breaches, § 7:84
- nonpayment of rent, § 7:83
- recurring breach, § 7:87

#### Nonpayment of rent, § 7:83

#### Notice

- generally, § 7:14 to 7:16
- access to premises, § 7:50
- change of terms, § 7:46
- computation of time, § 7:89
- damages, written notice, § 7:55
- defined, § 7:11, 7:14
- insecticides, use of, § 7:44
- landlord remedies, § 7:89, 7:90
- public housing notice requirement, § 7:16
- sheriff authorized to serve, § 7:90
- tenant remedies, § 7:57, 7:58
- written notice, § 7:55

#### Overview, § 7:1

#### Parking rules and regulations, § 7:49

#### Pesticides, notice to tenants of use of, § 7:44

#### Preexisting tenancy, foreclosure on, § 7:61

#### Preliminary remarks, § 7:47

#### Prepaid rent, § 7:25

#### Prohibited provisions, § 7:26

#### Protection, tenant after foreclosure, § 7:61

#### Public housing, § 7:10, 7:12, 7:16

#### Purposes of VRLTA, § 7:12

#### Ratio billing, § 7:106

#### Records, maintenance and inspection of, § 7:34

#### Redemption, tenant's right of, § 7:95

#### Relocation of tenant for mold remediation tenant, § 7:52

#### Rent escrow, § 7:75, 7:77 to 7:80

#### Residential Executory Real Estate Contracts Act, § 7:2

#### Retaliatory action, § 7:103, 7:104

#### Right to repair and deduct, tenant, § 7:69

#### Rules and regulations, § 7:49

**VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT—Cont'd**

Section 8 tenancies, foreclosure on, § 7:61

Security deposits and inspection

- generally, § 7:30 to 7:36, 7:38
- amount, § 7:30
- application of deposit, § 7:31
- assignees, § 7:35, 7:38
- definition, § 7:11, 7:30
- interest, § 7:33
- records, maintenance and inspection of, § 7:34
- time limitations and inspections, § 7:32
- transfer of deposit to landlord's assignee, § 7:36

Self-help prohibited, § 7:97

- tenant, self-help, § 7:69

Service Members Civil Relief Act (SCRA), early termination of lease by, § 7:59

Service of notice, § 7:15

Sexual abuse or assault, early termination of rental agreements by victims of, § 7:60

Sheriff authorized to serve notice, § 7:90

Statement of Tenant Rights and Responsibilities, § 8:1, 8:4, E:1, F:2

Subleasing and assignment, § 7:11, 7:22

Submetering, § 7:106

Subsections A through D, application of, § 7:12

Surrender, tenant to surrender possession at end of term, § 7:54

Tenant obligations, generally, § 7:47 to 7:50

Tenant remedies

- generally, § 7:55 et seq., 7:77 to 7:80
- abuse victims, early termination of lease by, § 7:60
- assertion, § 7:73 to 7:76
- Condemnation of unit, § 7:76
- conditions for relief, § 7:74
- early termination, above
- enforcement of VRLTA, § 7:105
- essential services, landlord's failure to provide, § 7:63
- fire or casualty damage, § 7:64
- hearing, § 7:80
- military, early termination by, § 7:59
- noncompliance by landlord, above
- notice of noncompliance, § 7:57, 7:58
- order of court, § 7:71, 7:75
- ouster, unlawful by landlord, § 7:69
- possession, failure to deliver, § 7:62
- protection after foreclosure, § 7:61
- rent escrow, § 7:74, 7:75
- retaliatory action, § 7:103, 7:104
- self-help, by tenant, § 7:69
- Service Members Civil Relief Act (SCRA), § 7:59
- unlawful detainer, § 7:75

## INDEX

### **VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT—Cont'd**

- Terms and condition of rental agreement
  - Statement of Tenant Rights and Responsibilities, § 7:19
- Terms and conditions of rental agreement, generally, § 7:19 to 7:24
- Time limitations and inspections, § 7:32
- Trash removal, rules and regulations, § 7:49
- Unconscionability, § 7:9
- Unlawful detainer, § 7:75
- Use and occupancy by tenant, § 7:53
- Use of property by tenant, § 7:94, 7:99, 7:100
- Victims of abuse. Family Abuse this index
- Water supply, § 7:40, 7:63
- Who may recover rent or possession, non-lawyers, § 7:93
- Written notice requirement, § 7:55

### **VIRGINIA RESIDENTIAL RENTAL AGREEMENTS**

- Generally, § 7:1 to 7:105
- Absence, nonuse, or abandonment by tenant, § 7:94, 7:99 to 7:101
- Abuse victims
  - early termination of lease by, § 7:60
- Abuse victims**
  - Family Abuse** this index
- Acceptance of rent with reservation, § 7:95
- Access, § 7:50, 7:51, 7:99
- Accident zone disclosure, § 7:37
- Applicability of VRLTA, § 7:10
- Application fees, § 7:18
- Application of Residential Executory Real Estate Contracts Act, § 7:2
- Application of VRLTA, § 7:12
- Assignment and subleasing, § 7:11, 7:22
- Attorney fees, § 7:1, 7:2, 7:88
- Bad or good faith, § 7:8, 7:11, 7:72
- Board for Housing and Community Development, § 7:5
- Cable or satellite access, § 7:43
- Car washing rules and regulations, § 7:49
- Change, no unilateral change without written consent, § 7:24
- Comparisons and differences, table of, § 7:1
- Confidential information, § 7:27
- Consent, access, § 7:50
- Constitutional challenge, § 7:12
- Consumer Protection Act, § 7:4
- Criminal or willful conduct of tenant, § 7:86
- Damages
  - generally, § 19:8
  - absence, nonuse or abandonment by tenant, § 7:94
  - access, § 7:50, 7:99
  - application fees, § 7:18
  - deceased tenant's property, disposal of, § 7:102

**VIRGINIA RESIDENTIAL RENTAL AGREEMENTS—Cont'd**

**Damages—Cont'd**

definitions, § 7:11

delivery of possession, failure to deliver, § 7:62

early termination, § 7:59, 7:60

enforcement of VRLTA, § 7:105

essential services, failure to provide, § 7:63

fire or casualty damage, § 7:64

good faith, § 7:8

holdover remedies, § 7:98

maintenance of dwelling unit by tenant, § 7:48

maintenance of premises, § 7:39

maintenance of premises by landlord, § 7:43

noncompliance by landlord, generally, § 7:56

noncompliance by tenant, generally, § 7:81 to 7:91

ouster, unlawful ouster by landlord, § 7:76

prohibited provisions, § 7:26

remedies of tenant, generally, § 7:55

rent, nonpayment of, § 7:83

retaliatory action, § 7:104

security deposits and inspections, § 7:30, 7:31, 7:38

surrender of premises by tenant, § 7:54

termination, landlord's remedies after, § 7:96

written notice, § 7:55

Death of tenant, § 7:102

Definitions, § 7:2, 7:11, 7:15, 7:30, 7:61

Delivery of lease, § 7:23

Disclosure, § 7:37

Disposal of abandoned property, § 7:100, 7:101

Disposal of deceased tenant's property, § 7:102

Drywall, disclosure, § 7:37

Early termination

foreign service members, § 7:59

military, § 7:59

victims of abuse, § 7:60

Electronic key codes, employees of the landlord, § 7:28

Employees of the landlord, § 7:28

electronic key codes, § 7:28

policies, § 7:28

unit keys, § 7:28

Energy allocation equipment, § 7:106

Enforcement of VRLTA, § 7:105

Escrow account, § 7:25

Essential services, landlord's failure to provide, § 7:63, 7:97

Exemptions

elimination of, § 7:1

elimination of VLRTA exemptions, § 7:1

## INDEX

### **VIRGINIA RESIDENTIAL RENTAL AGREEMENTS—Cont'd**

#### Exemptions—Cont'd

Residential Executory Real Estate Contracts Act, § 7:2

**Family Abuse** this index

Federally related loan, defined, § 7:61

#### Fees

application fees, § 7:18

damages, application fees, § 7:18

late fee, § 7:21

Fire or casualty damage, § 7:64

Good or bad faith, § 7:8, 7:11, 7:72

Guest or invitee of tenant

barring, § 7:91

defined, § 7:11

Historical perspective of VRLTA, § 7:6

Holdover remedies, § 7:98

Insecticides, notice to tenants of use of, § 7:44

Inspection. Security deposits and inspection, below

Interest, security deposits, § 7:33

Key changes and new code sections, § 7:1

Landlord obtaining insurance, § 7:20

#### Landlord remedies

generally, § 7:81 et seq.

absence, nonuse, or abandonment by tenant, § 7:94, 7:99 to 7:101

acceptance of rent with reservation, § 7:95

access, remedies for abuse of, § 7:99

computation of time, § 7:89

disposal of abandoned property, § 7:100, 7:101

disposal of deceased tenant's property, § 7:102

enforcement of VRLTA, § 7:105

guest or invitee of tenant, barring, § 7:91

holdover remedies, § 7:98

maintain, tenant's failure to, § 7:92

noncompliance by tenant, below

notice, § 7:89, 7:90

redemption, tenant's right of, § 7:95

retaliatory action, § 7:103, 7:104

self-help prohibited, § 7:97

time, landlord's remedy after termination, § 7:96

Landlord's obligations, generally, § 7:29 to 7:46

Late fee, § 7:21

Laundry facilities use, rules and regulations, § 7:49

Legal aid contact information, § 7:17

Limitation of liability, maintenance of premises by landlord, § 7:45

Locks and peepholes, § 7:42

Maintenance of dwelling unit by tenant, § 7:48, 7:92

**VIRGINIA RESIDENTIAL RENTAL AGREEMENTS—Cont'd**

- Maintenance of premises by landlord
  - generally, § 7:39 to 7:46
  - cable or satellite access, § 7:43
  - change of terms, notice, § 7:46
  - duties of landlord, generally, § 7:40
  - limitation of liability, § 7:45
  - locks and peepholes, § 7:42
  - pesticides, notice to tenants of use of, § 7:44
  - respondeat superior, § 7:41
  - shifting of duty, § 7:41
  - third person, duty to, § 7:41
- Methamphetamine disclosure, § 7:37
- Military, early termination by, § 7:59
- Mold, inspection and disclosure duties, § 7:32
- Mold remediation
  - definition, § 7:11
  - inspection and disclosure duties, § 7:37
  - landlord's duty to maintain premises, § 7:40
  - relocation of tenant, § 7:52
- Noise, § 7:37
- Non-lawyers, recovery of rent or possession, § 7:93
- Noncompliance by landlord
  - generally, § 7:56 to 7:58, 7:64 to 7:73
  - bad faith of tenant, § 7:72
  - defense, noncompliance as, § 7:64 to 7:73
  - notice of noncompliance, § 7:57, 7:58, 7:67
  - order of court, § 7:71
  - possession, tenant not in, § 7:73
  - rent, landlord's claim unrelated to, § 7:74
  - rent-paid-into-court, § 7:68
  - response of landlord, § 7:70
  - tenant, defenses available to, § 7:66
  - written notice of noncompliance, § 7:67
- Noncompliance by tenant
  - generally, § 7:81 to 7:91
  - attorney fees, § 7:88
  - criminal or willful conduct, § 7:86
  - family abuse protective order, § 7:82
  - non-remedial breach, § 7:85
  - non-rent breaches, § 7:84
  - nonpayment of rent, § 7:83
  - recurring breach, § 7:87
- Nonemergency conditions, tenant corrections, § 7:50
- Nonpayment of rent, § 7:83
- Notice
  - generally, § 7:14 to 7:16

## INDEX

### **VIRGINIA RESIDENTIAL RENTAL AGREEMENTS—Cont'd**

#### Notice—Cont'd

- access to premises, § 7:50
- change of terms, § 7:46
- computation of time, § 7:89
- damages, written notice, § 7:55
- defined, § 7:11, 7:14
- insecticides, use of, § 7:44
- landlord remedies, § 7:89, 7:90
- public housing notice requirement, § 7:16
- sheriff authorized to serve, § 7:90
- tenant remedies, § 7:57, 7:58
- written notice, § 7:55

#### Overview, § 7:1

#### Owner registration, § 7:3

#### Parking rules and regulations, § 7:49

#### Pesticides, notice to tenants of use of, § 7:44

#### Policies, employees of the landlord, § 7:28

#### Preexisting tenancy, foreclosure on, § 7:61

#### Preliminary remarks, § 7:47

#### Prepaid rent, § 7:25

#### Procedures, employees of the landlord, § 7:28

#### Prohibited provisions, § 7:26

#### Protection, tenant after foreclosure, § 7:61

#### Public housing, § 7:10, 7:12, 7:16

#### Purposes of VRLTA, § 7:10, 7:12

#### Ratio billing, § 7:106

#### Records, maintenance and inspection of, § 7:34

#### Redemption, tenant's right of, § 7:95

#### Relocation of tenant for mold remediation tenant, § 7:52

#### Rent escrow, § 7:75, 7:77 to 7:80

#### Residential Executory Real Estate Contracts Act, § 7:2

#### Retaliatory action, § 7:103, 7:104

#### Right to repair and deduct, tenant, § 7:69

#### Rules and regulations, § 7:49

#### Section 8 tenancies, foreclosure on, § 7:61

#### Security deposits and inspection

##### generally, § 7:30 to 7:36, 7:38

##### amount, § 7:30

##### application of deposit, § 7:31

##### assignees, § 7:35, 7:38

##### definition, § 7:11, 7:30

##### interest, § 7:33

##### records, maintenance and inspection of, § 7:34

##### time limitations and inspections, § 7:32

##### transfer of deposit to landlord's assignee, § 7:36

#### Security systems, § 7:50

**VIRGINIA RESIDENTIAL RENTAL AGREEMENTS—Cont'd**

- Self-help prohibited, § 7:97
- Service Members Civil Relief Act (SCRA), early termination of lease by, § 7:59
- Service of notice, § 7:15
- Setoff & Recoupment, § 7:54
- Sexual abuse or assault, early termination of rental agreements by victims of, § 7:60
- Sheriff authorized to serve notice, § 7:90
- Subleasing and assignment, § 7:11, 7:22
- Submetering, § 7:106
- Subsections A through D, application of, § 7:12
- Surrender, tenant to surrender possession at end of term, § 7:54
- Tenant obligations, generally, § 7:47 to 7:50
- Tenant remedies
  - generally, § 7:55 et seq., 7:77 to 7:80
  - abuse victims, early termination of lease by, § 7:60
  - assertion, § 7:73 to 7:76
  - conditions for relief, § 7:74
  - early termination, above
  - enforcement of VRLTA, § 7:105
  - essential services, landlord's failure to provide, § 7:63
  - fire or casualty damage, § 7:64
  - hearing, § 7:80
  - military, early termination by, § 7:59
  - noncompliance by landlord, above
  - notice of noncompliance, § 7:57, 7:58
  - order of court, § 7:71, 7:75
  - possession, failure to deliver, § 7:62
  - protection after foreclosure, § 7:61
  - rent escrow, § 7:74, 7:75
  - retaliatory action, § 7:103, 7:104
  - Service Members Civil Relief Act (SCRA), § 7:59
  - unlawful detainer, § 7:75
- Terms and conditions of rental agreement
  - Fee disclosure
  - Insurance, § 7:19
- Terms and conditions of rental agreement, generally, § 7:19 to 7:24
- Time limitations and inspections, § 7:32
- Trash removal, rules and regulations, § 7:49
- Unconscionability, § 7:9
- Unit keys, employees of the landlord, § 7:28
- Unlawful detainer, § 7:75
- Use and occupancy by tenant, § 7:53
- Use of property by tenant, § 7:94, 7:99, 7:100
- Victims of abuse. Family Abuse this index
- Water supply, § 7:40, 7:63
- Who may recover rent or possession, non-lawyers, § 7:93
- Written notice requirement, § 7:55



## INDEX

### **VRUTA-EXEMPT**

- Constructive eviction, noncompliance by landlord, § 6:5
- Noncompliance by landlord, constructive eviction, § 6:5
- Premises liability, § 7:26
- Rent, notice for failure to pay rent for residential units, § 6:3
- Repair and/or rebuild, landlord and tenant's duties to, § 6:8
- Residential rental agreements, prohibited provisions, § 7:26
- Right of re-entry, rules of construction, § 4:4
- Rules of construction, right of re-entry, § 4:4
- Self-help, tenant's right to use, residential rentals, § 6:15

### **WAIVER**

- Estoppel and Waiver** this index

### **WANTON WASTE**

- Common law of Virginia, § 6:8

### **WARRANT IN DEBT**

- Forms, § App. E:6

### **WARRANTIES**

- Habitability, warranty of  
statutory duty, § 6:8

### **WARRANTS**

- Distress Warrants** this index

### **WASTE**

- Common law of Virginia, § 6:9
- Damages, § 19:4
- Injunctions, § 6:9

### **WATER**

- Commercial leases, § 23:14
- Virginia residential rental agreements, § 7:40, 7:63

### **WRIT OF EVICTION IN UNLAWFUL DETAINER**

- Forms, § App. E:4

### **WRITING REQUIREMENT**

- Ground rents, § 3:12

### **WRONGFUL DISTRRAINT**

- Generally, § 20:19

### **WRONGFUL EVICTION**

- Damages, § 19:7
- Self-help, landlord's right to use, § 6:14