

FACT SHEET

Virginia's Early Lease Termination Law for Domestic and Sexual Violence Victims

Who is covered by Virginia's new Early Lease Termination law?

Virginia's new early lease termination law (Virginia Code sections 55-225.16 and 55-248.21:2¹) provides **certain victims of family abuse, sexual abuse and sexual assault** the right to terminate their residential leases with approximately 30 days' advance written notice to their landlords. To qualify to terminate a residential lease early under the new law, a tenant must have one of the following court orders:

- A final order of protection for family abuse pursuant to Virginia Code section 16.1-279.1²
- Or an order convicting the tenant's abuser of any crime of sexual assault, sexual abuse or family abuse.

A tenant can use a protective order to terminate any lease in effect during the term of the protective order or any extension of the protective order, and he or she can use a single conviction order to terminate the lease in effect when the conviction order is entered and one subsequent lease.

What right does the new law provide to a tenant who is covered?

Tenants covered by the new law can terminate their residential leases by following the procedure discussed below at least thirty days before their next rent payment is due. Until the lease termination date stated in the tenant's notice to the landlord, the tenant must continue to pay rent and follow all the rules of the lease. However, after the termination date, the tenant does not have to pay anything else to the landlord.³

How does a tenant terminate a residential lease under the new law?

To terminate a residential lease agreement under the new law, a tenant must provide the landlord with written notice of an intention to terminate the lease. When the tenant gives the landlord this written notice, he or she must also provide the landlord with a copy of the protective order or conviction order described above. The written notice must state the date on which the lease agreement will terminate. This date must be **at least 30 days** after the date on which the tenant gives the notice to the landlord.

¹ 55-225.16 applies to residential tenancies in single family homes, unless the landlord owns more than four (city/suburban county) or ten (county) single family rental properties. 55-248.21:2 applies to all other residential tenancies. The two code sections are identical.

² The tenant must have a FINAL order of protection; emergency (72 hour) protective orders and preliminary (two week) protective orders do not qualify.

³ This assumes that the tenant does NOT owe any back rent or damages unrelated to the early lease termination.

