

**RESIDENTIAL TENANTS DESERVE SAFE AND HEALTHY HOUSING. A WARRANT OF
HABITABILITY CAN HELP THEM GET IT
PASS SB 906 (STANLEY)**

The Problem: Although Virginia law requires landlords to keep their rental properties safe and habitable, there is no consequence for those who allow their properties to become unsafe by failing to make necessary repairs. Landlords with substandard property can still collect the full amount of rent contracted for in the lease, and they can still evict tenants who fall behind on rent.

The Solution: SB 906 makes a landlord's failure to maintain the premises in a safe and habitable condition as required by law a defense to the tenant's nonpayment of rent. It allows a judge to determine, based on evidence presented by the landlord and tenant, whether the tenant received the full value of what he was promised in the lease. If he did not receive the full value because the landlord failed to make repairs to the premises, the judge can rule that the tenant does not owe the full rent.

Additional Benefits: SB 906 creates what is commonly known as a "warranty of habitability" for the leased premises, something that exists in the laws of thirty-three states.¹ The average eviction rate in these thirty three states is 2.29%, which is less than half the eviction rate of Virginia.² Only one state with the warranty of habitability defense has an eviction rate higher than Virginia's eviction rate.³ These statistics are not surprising. When a tenant successfully raises the lack of habitability as a defense in a nonpayment of rent case, the court may reduce his rent to an amount he can easily pay or has already paid to the landlord, preventing an eviction.

For more information, contact Christie Marra, christie@vplc.org or Laura Wright, laura@vplc.org.

¹ Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin

² Source: www.evictionlab.org

³ South Carolina, which has an eviction rate of 8.87%