

## VIRGINIA CODE COMMISSION

Monday, August 6, 2018 - 10 a.m.

Richmond, Virginia 23219

*Approved October 15, 2018*

**Members Present:** John S. Edwards; Rita Davis; Gregory D. Habeeb; James A. Leftwich, Jr.; E.M. Miller, Jr.; Thomas M. Moncure, Jr.; Chris Nolen; Charles S. Sharp; Samuel T. Towell; Mark Vucci

**Members Absent:** Robert L. Calhoun, Leslie L. Lilley, Ryan T. McDougle

**Staff Present:** Amigo Wade, Kristen Walsh, Brittany Olwine, Karen Perrine, Anne Bloomsburg, Division of Legislative Services (DLS)

**Others Present:** Brian Kennedy, LexisNexis

**Call to order:** Senator Edwards, chair, called the meeting to order at 10:00 a.m.

**Approval of minutes:** The minutes of the June 18, 2018, meeting of the Commission, as printed and distributed to the members, were approved without objection.

**Report of the Code of Virginia Contract Work Group:** Mark Vucci stated that the current contract with LexisNexis to publish the Code of Virginia expires in 2020. The work group established by the Commission is composed Ms. Davis, Mr. Miller, and Mr. Vucci. The work group proposes issuing a request for information (RFI) as it is anticipated that, at most, two publishers will be interested in the contract. The work group reviewed the current contract and developed an RFI, which retains the current provision for 685 free copies and includes quality control and other measures. The contract is exempt from the procurement process under § 2.2-4345 of the Code of Virginia. Publishers that respond to the RFI may use § 30-147 to protect trade secrets.

The RFI will be issued in the next week or so, with a return date of October 1, 2018.

The Commission had no questions or objections to the process.

**Recodification of Title 55, Property and Conveyances:** The Title 55 recodification team, consisting of Amigo Wade, Kristen Walsh, and Britt Olwine, presented the Manufactured Home Lot Rental Act, which is retained as Chapter 2 of proposed Subtitle III of Title 55.1, for approval. Review of this chapter completes the Commission's review of Subtitle III.

The Commission briefly discussed the following and made no changes to the proposed text:

Lines 12-13: The addition of "guest or invitee" as a defined term. Ms. Walsh explained that this definition is duplicated from § 55-248.4 and has not been changed.

Lines 41-42: The addition of "reasonable charges in addition to rent" as a defined term. The term is relocated from § 55-248.44:1 and refers to charges under the rental agreement. Mr. Wade explained that this term is specific to this chapter and prevents a landlord from adding inappropriate charges.

Lines 338-340: The use of "guest or invitee" in subdivision C 1. The Commission discussed who would be a "guest or invitee" under the definition and whether the change is narrower than existing law. Mr. Wade explained that the rationale for adding the definition is to avoid confusion by aligning the chapter with the provisions of the Virginia Residential Landlord and Tenant Act

Lines 383-386: The addition of a new section titled "Transfer of deposits upon purchase" and the context for the addition. Under existing law, if there is a sale of rental property that has a tenant, then the buyer must handle the security deposit.

Mr. Wade addressed the technical reorganization of the chapters relating to rental tenancies in Subtitle III. Since the initial approval of the organization of Subtitle III by the Commission, the General

Assembly enacted Chapter 730 of the 2017 Acts of Assembly and Chapter 221 of the 2018 Acts of Assembly. The acts remove the substantive differences between the Virginia Residential Landlord and Tenant Act and general landlord and tenant provisions for residential rental properties that are exempt from the Virginia Residential Landlord and Tenant Act. With these legislative changes, staff recommends (i) reorganizing the three residential rental tenancy chapters previously approved by the Commission into a single chapter containing all provisions relating to residential rental tenancies and (ii) changing the title of the "Commercial Tenancies" chapter to the more appropriate title of "Nonresidential Tenancies" because the chapter consists of provisions regarding the rental of any real estate for purposes other than residential use. The proposed reorganization does not change any of the previously approved text.

On a motion by Mr. Vucci, properly seconded, the Commission approved the reorganization of Subtitle III as presented by staff.

Staff plans to present the recodification report, including the executive summary and enactment clauses, in October for final review and approval.

**Other business:**

Senator Edwards stated that this meeting the last Commission for both Delegate Habeeb, who has resigned from the legislature, and Mr. Calhoun, who has resigned from the Commission after 22 years of service. Senator Edwards thanked both members for their service and valuable contributions to the work of the Commission.

**Public comment, adjournment:** Senator Edwards opened the floor for public comment. As there was no public comment and no further business to discuss, the meeting was adjourned at 10:55 a.m.

The next meeting is Monday, September 17, 2018, at 10 a.m. in the Speaker's Conference Room, 6th Floor, Pocahontas Building.