HOUSE BILL 719

N1

EMERGENCY BILL ENROLLED BILL

(11r0378)

– Judiciary/Judicial Proceedings —

Introduced by Delegate I	Moon	
	Read and Examined by Pr	roofreaders:
		Proofreader.
		Proofreader.
Sealed with the Great	Seal and presented to t	the Governor, for his approval this
day of	at	o'clock,M.
		Speaker.
	CHAPTER	
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Commercial Tenants - Personal Liability Clauses - Enforceability

FOR the purpose of providing that a certain personal liability clause in a commercial lease or associated document is may be is unenforceable under certain circumstances; prohibiting a commercial landlord from attempting to enforce a personal liability clause that the commercial landlord knows or reasonably should know is unenforceable under this Act; authorizing a court to enter a certain judgment; providing that certain lawful action by a commercial landlord may not be construed as a violation of certain provisions of this Act; providing that the period of the declared state of emergency and catastrophic health emergency may not be used for the purposes of calculating the time limitation on filing a certain action; defining certain terms; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the enforcement of certain provisions in commercial leases and associated documents.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

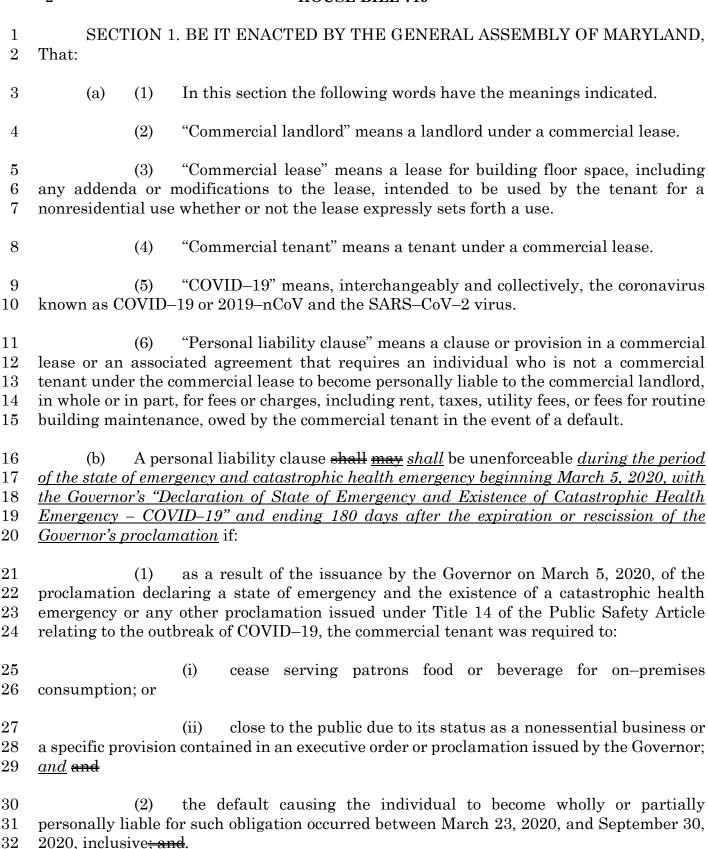
Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



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(3) the court finds, based on the totality of the circumstances, that enforcement of the personal liability clause would be unjust.

1 2 3	(c) (1) (i) A commercial landlord may not attempt to enforce a personal liability clause that the commercial landlord knows or reasonably should know is unenforceable under this section.
4 5 6	(ii) A court may enter a judgment against a commercial landlord for reasonable attorney's fees and court costs for a violation of subparagraph (i) of this paragraph.
7 8 9 10	(2) A commercial landlord's lawful action for nonpayment of rent, lawful termination of a tenancy established by a commercial lease, lawful refusal to renew or extend a commercial lease or associated agreement, or lawful reentry and repossession of the covered property may not be construed as a violation of this subsection.
11 12 13 14 15 16 17	SECTION 2. AND BE IT FURTHER ENACTED, That the period of the state of emergency and catastrophic health emergency beginning March 5, 2020, with the Governor's "Declaration of State of Emergency and Existence of Catastrophic Health Emergency — COVID-19" and ending on the expiration or rescission of the Governor's proclamation may not be considered for the purposes of calculating time limitations restricting the filing of an action alleging liability that accrued during the state of emergency and catastrophic health emergency under a personal liability clause of a commercial lease.
18 19 20 21 22 23 24 25 26 27	SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three—fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through September 30, 2023, and, at the end of September 30, 2023 until 180 days after the expiration or rescission of the Governor's proclamation of March 5, 2020, "Declaration of State of Emergency and Existence of Catastrophic Health Emergency — COVID—19", and 180 days after the expiration or rescission of the Governor's proclamation, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.
	Approved:
	Governor.

President of the Senate.

Speaker of the House of Delegates.