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HOUSE BILL NO. 459

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate VanValkenburg)

A BILL to amend the Code of Virginia by adding a section numbered 55.1-304.1, relating to improvements, repairs, or maintenance of property; entering adjoining property; petition for entry.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 55.1-304.1 as follows:

§ 55.1-304.1. Improvements, repairs, or maintenance of property; entering adjoining property; petition for entry.

When an owner or lessee of real property seeks to improve, repair, or maintain his property and the property is so situated that it is impossible to perform the improvements, repairs, or maintenance without entering adjoining property and permission to enter the adjoining property has been denied, or unreasonable conditions have been placed upon the entry, the owner or lessee seeking to make the improvements, repairs, or maintenance may petition the circuit court for a license to enter the adjoining property for the purpose of performing the improvements, repairs, or maintenance. The petition and affidavits, if any, shall state the facts making such entry necessary, the date or dates on which entry is sought, and who or what service provider will be accessing the adjoining property to perform such improvements, repairs, or maintenance. Such license shall be granted by the court in an appropriate case upon such terms as justice requires. Any such entry shall not be deemed a trespass and the licensee shall be liable to the adjoining owner or his lessee for actual damages occurring as a result of the entry.

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