



## Do I Need a Lease?

Tenants and landlords have legal protections under the Virginia Residential Landlord and Tenant Act (VRLTA).

VRLTA applies to most residential rental properties in Virginia, including DBHDS Licensed Residential Settings: Group and Sponsored Residential Homes!



## Important Dates

Starting July 1, 2020: All landlords must offer the Statement of Tenant Rights and Responsibilities to any prospective tenant.

Effective July 1, 2025: Virginia Statement of Tenant Rights and Responsibilities under the Virginia Residential Landlord and Tenant Act can be found here:

<https://www.dhcd.virginia.gov/sites/default/files/Docx/landlord-tenant/final-vrlta-statement-formatted.pdf>

### Important to Know:



Both the landlord and tenant must sign a form at the end of the statement acknowledging that the tenant has received from the landlord the statement of tenant rights and responsibilities.



The written rental agreement will be effective on the date that the form is signed by both parties.



Landlords must provide a copy of the signed Statement of Tenant Rights and Responsibilities and a copy of the written rental agreement within one month of the effective date of the rental agreement.



## HCBS Settings Rule and Lease Requirements

### Required Lease Elements

- Legally enforceable terms in Virginia
  - Property address and individual’s name
  - Lease duration and renewal terms
  - Rent details: due date, amount (in dollars), prorating, and late fees
  - Included services: utilities, internet, etc.
  - Eviction terms: grounds, process, and timelines per the Virginia Landlord Tenant Act
  - Signatures: individual and representative payee (if applicable)

### Prohibited Lease Content

- Program rules or general behavioral requirements
  - Patient pay requirements
  - Restrictions on room decoration or visitors
  - Curfews or mandates on phone/electronic use
  - Alcohol/smoking clauses
  - Requirements to follow behavioral plans, take medications, or follow diets
  - Mandates that the provider be the representative payee

**DBHDS  
Quality  
Service  
Review  
Overview  
(QSR)**

**The QSR process ensures that every individual in a licensed residence has a valid lease agreement. This is a key component of maintaining compliance with HCBS standards and protecting individual rights under the Virginia Residential Landlord and Tenant Act. (VRLTA) The QSR reviewer looks for evidence of:**

**a signed lease, residency agreement, or other written agreement for the person that includes language referencing individual protection from eviction for any person in a residence that is licensed through the Virginia Department of Behavioral Health and Developmental Services**

### Helpful Resources:

1. Virginia Statement of Tenant Rights and Responsibilities: <https://www.dhcd.virginia.gov/sites/default/files/Docx/landlord-tenant/final-vrlta-statement-formatted.pdf>
2. Virginia Legal Aid: <https://www.valegalaid.org/issues/housing>
3. Virginia Housing: <https://www.virginiahousing.com/renters/education>
4. DBHDS Licensing Rule: <https://law.lis.virginia.gov/admincode/title12/agency35/chapter105/section693/>
5. Housing Info for People with Developmental Disabilities: <https://dbhds.virginia.gov/developmental-services/housing/housing-information-for-people-with-a-developmental-disability/>
6. dLCV Fair Housing Resources: <https://www.dlcv.org/housing>