



VIRGINIA
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SOCIETY

Can My Landlord Bar My Guest From My Rental Property?

Can my landlord tell my guests or friends not to come to the home I am renting?

Yes, a landlord can keep your guest from coming to the house or apartment that you rent if that person breaks the rules in the lease or breaks the law. This applies to rental properties covered by the VRLTA and to mobile home parks covered by the Manufactured Home Lot Rental Act (MHLRA).

Generally speaking, the Virginia Residential Landlord Tenant Act, or VRLTA, applies to apartment complexes, regardless of the number of apartments; single-family residences, if the landlord rents out more than two of them in Virginia; and hotels, motels, or boarding houses if the tenant has been renting for more than 90 days or has a written lease for more than 90 days. If your rental is not covered by the VRLTA, there may be other state laws that apply to your situation. If you do not know which law applies, you should seek advice from an attorney.

What must my landlord do to keep my guest out?

The landlord must have a written notice given to the guest. It may be delivered to the guest by the sheriff or may be served personally in another way. The notice must state the reason why the guest is no longer allowed to come to the property and must say what the guest did that broke the terms of the lease or the law. The guest cannot be barred unless he or she broke the rules of the lease, or broke local, state or federal law. The landlord may tell your guest that they are not allowed to visit you, and may say that they cannot come on the landlord's property at all if it is an apartment complex or mobile home park.

How will I know if my landlord has done this?

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Leslie Dodson,, Esq., 217 East Third Street, Farmville, VA 23901, is responsible for the contents of this publication.

A copy of the letter or notice sent to your guest must also be served on you.

Can the landlord bring criminal charges against my guest?

Yes, the landlord can apply to the magistrate for a trespass warrant against the guest if the guest has been served the proper notice and still comes on the property.

What if I think that my landlord was wrong to do this?

You can file an action in court asking the court to review the landlord's letter to the guest and asking the court to decide if it was correct or not. This is called a "tenant's assertion." A tenant's assertion must be done properly so you may wish to get legal advice on this.

Can my landlord try and evict me for actions of my guests or if I have the guest visit me after my landlord sent them the notice not to come on the property?

Yes. As the tenant, you are responsible for the way your guests act. Your guests must keep the rules of the lease that you follow and must not break the law. If the landlord has served the proper notice on you that the guest is barred from the property and he/she comes to see you anyway, that can be a reason for the landlord to evict you. If you live in public housing or subsidized housing, there may be even stricter rules and you may be held responsible for the acts of a guest even if you did not know that he was coming to see you or that he was going to break the rules. Many subsidized housing and public housing complexes also have strict rules about how long a guest may stay with you before the stay violates your lease as well as rules about reporting guests.

If the landlord does want to evict me for the actions of a guest, what must he do?

The landlord must first send you a written notice stating the reason for the eviction. There are some things that are considered remediable-- meaning they can be fixed. In those cases the landlord is supposed to send a notice giving you 21 days to fix the situation, or else your lease terminates in 30 days. However, if your guest did something very serious or broke the law in a serious way, the landlord can give a 30 day notice to terminate (without the chance to correct the problem) or an even shorter notice if the act was criminal and poses a threat to health or safety. After the landlord has given the proper notice and the time has passed for you to leave, the landlord must file an unlawful detainer action in court. You will have the chance to present any evidence you have at the court hearing.

THIS INFORMATION IS NOT LEGAL ADVICE. *Legal advice is dependent upon the specific circumstances of each situation. Therefore, the information contained in this pamphlet cannot replace the advice of competent legal counsel.*

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Free Legal information by Web and Phone: www.vlas.org and
1-866-LegAid (534-5243)

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