Breaking a Lease in Virginia: Tenant Rights and Landlord Options

Summary for landlords and property managers. Last reviewed October 29, 2026. Full guide: https://www.generationadvisory.com/laws/virginia-breaking-a-lease

Virginia lets tenants end a lease early for military service and for family abuse, sexual assault, stalking or trafficking when they have qualifying court documents. A landlord whose tenant leaves early must try to limit the loss by re-renting.

Key points

- A service member who receives orders for a permanent change of station, deployment or release from active duty can end the lease with written notice and a copy of the orders.
- A victim of family abuse, sexual assault, stalking or trafficking with a qualifying protective order or criminal charge or conviction can end the lease by written notice; it ends 28 days after notice, and no liquidated damages may be charged.
- When a tenant leaves early, the landlord must make reasonable efforts to re-rent and can recover only the loss that remains.
- Either side ends a month to month tenancy with written notice at least 30 days before the next rent due date, and a week to week tenancy with at least 7 days.
- If a material problem affecting health and safety is not fixed after written notice, the tenant may have remedies including rent escrow or ending the lease.

Virginia at a glance

Rule	Virginia	Law
Military service	A service member who receives orders for a permanent change of station, deployment or release from active duty can end the lease with written notice and a copy of the orders.	Virginia Residential Landlord and Tenant Act and Servicemembers Civil Relief Act (50 U.S.C. 3955)
Domestic violence survivors	A victim of family abuse, sexual assault, stalking or trafficking with a qualifying protective order or criminal charge or conviction can end the lease by written notice; it ends 28 days after notice, and no liquidated damages may be charged.	Va. Code 55.1-1236

Rule	Virginia	Law
Unlivable conditions	If a material problem affecting health and safety is not fixed after written notice, the tenant may have remedies including rent escrow or ending the lease.	Virginia Residential Landlord and Tenant Act
Landlord duty to re-rent	When a tenant leaves early, the landlord must make reasonable efforts to re-rent and can recover only the loss that remains.	Virginia Residential Landlord and Tenant Act
Month-to-month notice	Either side ends a month to month tenancy with written notice at least 30 days before the next rent due date, and a week to week tenancy with at least 7 days.	Va. Code 55.1-1253(A)

Mistakes to avoid

- Billing the tenant for every remaining month without trying to re-rent the unit.
- Ignoring a protected early termination notice because it is inconvenient.
- Agreeing to an early exit by phone without a written agreement.
- Keeping more of the deposit than the lawful deductions.

Verify current law

Laws named in this summary:

- Virginia Residential Landlord and Tenant Act and Servicemembers Civil Relief Act (50 U.S.C. 3955)
- Va. Code 55.1-1236
- Virginia Residential Landlord and Tenant Act
- Va. Code 55.1-1253(A)
- Va. Code 55.1-1253(B)

Official sources:

- Code of Virginia (Virginia Legislative Information System): https://law.lis.virginia.gov/vacode/title55.1/chapter12/
- Virginia Department of Housing and Community Development: tenant rights statement: https://www.dhcd.virginia.gov/
- Virginia's Judicial System: https://www.vacourts.gov/

> General information, not legal advice. Check current law and talk to a Virginia attorney before you act. Last reviewed October 29, 2026.