

2/17/2025

Code of Virginia

Title 36. Housing

Chapter 10.1. Virginia Defective Drywall Correction and Restoration Assistance Fund

§ 36-156.1. Definitions.

As used here, unless context demands otherwise:

40 "Authority" means the Virginia Resources Authority.

"Bona fide potential buyer" refers to an individual who obtains or plans to obtain ownership of real estate impacted by faulty drywall.

"Cost," as related to any project funded under this chapter, it refers to the reasonable and essential expenses required to complete all tasks necessary or incidental to addressing or removing defective drywall. This includes, but is not limited to, essential development, planning, and feasibility studies; surveys, designs, and specifications; architectural, engineering, financial, legal, or specialized services; site evaluations, remediation, containment, and demolition or removal of existing structures or parts thereof; fulfilling obligations of the seller of the land, buildings, or improvements; labor; materials, machinery, and equipment; establishing accounts and reserves as required by the Authority; reasonable financing costs incurred by the local government during project development; carrying charges before project completion; and other costs deemed reasonable and necessary by the Authority.

"Defective drywall" refers to drywall or similar construction material made from dried gypsum-based plaster that (i) contains elemental sulfur exceeding 10 parts per million, as found in certain drywall manufactured in China and imported into the U.S. between 2004 and 2007, and releases high levels of hydrogen sulfide gas when exposed to heat, humidity, or both, or (ii) has been classified by the U.S. Consumer Product Safety Commission as a defective product posing a significant safety risk under § 15(a)(2) of the Consumer Product Safety Act (15 U.S.C. § 2064(a)(2)).

"Department" refers to the Housing and Community Development Department.

"Director" means the Director of the Department of Housing and Community Development.

"Fund" means the Virginia Defective Drywall Correction and Restoration Assistance Fund.

"Innocent landowner" refers to an individual who possesses any title, security interest, or other stake in residential property and obtained that interest after defective drywall had been installed.

"Local government" refers to any county, city, town, municipal corporation, authority, district, commission, or political subdivision of the Commonwealth established by the General Assembly or under its laws, including any combination thereof.

2010, c. [820](#); 2012, c. [368](#).