

Tenants' Rights: There's Good and Bad News

(Current as of May 7, 2020)

First, the bad news: On May 6, 2020, the Supreme Court of Virginia authorized local courts to begin to hear evictions again beginning May 18th. So, it may be just a matter of days before you get a Summons for Unlawful Detainer from your local general district court if you're behind in your rent and don't have something worked out with your landlord.

What's the Good News? There are **two important new laws** that give some temporary protection to tenants facing eviction in Virginia.

First, the **federal CARES Act** passed by Congress on March 27 imposes a moratorium throughout the United States prohibiting the filing of any new evictions for nonpayment of rent through July 25, 2020, if the rented premises are covered by the Act. The Act covers federally subsidized housing and properties with federally backed mortgage loans. Then, before the landlord files for an eviction in court, he must first provide the tenant a 30-day notice after the moratorium expires. This means if you are covered by the CARES Act, your landlord cannot file in court to evict you until after August 25th, assuming he's given you the 30-day notice.

Second, the Virginia General Assembly just passed an emergency law protecting tenants impacted by COVID-19 that is effective immediately. Under this new law, when you do get served with notice of an eviction lawsuit (called a "summons for unlawful detainer") **you have the right to ask the judge to postpone (continue) your case for up to 60 days**. To take advantage of this law, you **MUST** go to court on your first hearing date (which you will find on the summons) to ask for this continuance, and you need to bring written proof that you lost your income due to the COVID-19 pandemic. This written proof could be a recent paystub showing no earnings, a letter from your employer, or other documentation acceptable to the court. During your 60-day continuance, you should try to work out a payment plan with your landlord. Before talking to your landlord about a payment plan, you should talk to a lawyer or at least read our suggestions on what to include in a payment plan.

If you are facing eviction, if your landlord attempts to lock you out without going to court, or if you have questions about your rights, contact your local legal aid by calling 1-866-LEGL-AID or get legal advice from the Eviction Legal Helpline by calling 1-833-NoEvict. Please do so BEFORE your first court date! Visit www.VaLegalAid.org for more information.