



TENANT RIGHTS TO AVOID EVICTION – as of 8/10/21

New Virginia eviction protections now through 6/30/22:

- Landlords may take no action to get possession or evict for nonpayment of rent – if the household has had financial hardship directly or indirectly due to COVID-19 – unless the landlord:
 - Gives tenant a 14-day nonpayment notice informing tenant about the Rent Relief Program (RRP), and
 - During the 14-day period, applies for RRP on the tenant's behalf unless tenant pays in full, enters a payment plan, or tenant already has applied for RRP
- Landlords must cooperate with RRP applications by providing all information and documents needed, including the state W-9 form
- After application, landlords may take no action to get possession or evict unless:
 - Tenant is found not eligible for RRP, or
 - Tenant refuses to cooperate with RRP application, or
 - RRP not approved in writing within 45 days of a completed application, or
 - For any subsequent application, RRP not approved in writing within 14 days of a completed application, or
 - RRP runs out of money
- If a tenant is complying with a written payment plan, landlord may take no action to get possession or evict for nonpayment of rent
- Requirements do not void judgment for possession obtained before 8/10/21; however, landlord still may take no action to get possession or evict for nonpayment of rent unless requirements followed

Virginia Rent Relief Program:

- Tenants may apply for Rent Relief Program (RRP) at <https://www.dhcd.virginia.gov/rmrp> or at 703-962-1884 and may email rrp@dhcd.virginia.gov with questions, problems & status updates
- Chesterfield County tenants apply for RRP with Chesterfield Emergency Rent Assistance (CERA) at <http://actsrva.org/chesterfield-emergency-rent-and-utility-assistance-cera>

Basic Eligibility Requirements:

- Household income at or below 80% Area Median Income
- Rent amount at or below 150% Fair Market Rent
- Loss of income related directly or indirectly to COVID-19, or increase in expenses related directly or indirectly to COVID-19

Required documentation:

1. Rental Agreement (valid lease or alternative lease documentation)
2. Tenant/Landlord Ledger
3. Tenant Income Documentation
4. Landlord's Virginia W-9
5. RRP Landlord/Tenant Agreement

Rental Assistance Paid:

- Paid directly to landlord if landlord cooperates (at this stage, only landlords paid directly)
- Rent arrears paid back to April 1, 2020, plus current rent and up to 3 months' future rent for a maximum of 18 months (same payments may be made on behalf of Voucher tenants)

New CDC eviction protections now through 10/3/21:

- Apply only in Counties and Independent Cities where COVID-19 transmission rate is high or substantial
- In CVLAS service area this currently means Cities of Charlottesville, Colonial Heights, Hopewell, Petersburg & Richmond, and Counties of Albemarle, Chesterfield, Dinwiddie, Goochland, Greene, Hanover, Henrico, Nelson, New Kent, Prince George & Surry
- Not apply where COVID-19 transmission rate is moderate or low
- In CVLAS service area, this currently means Counties of Charles City, Fluvanna, Louisa & Powhatan
- A locality which moves into a transmission rate of high or substantial, from a rate of moderate or low, **immediately** will gain CDC eviction protections
- A locality which moves into a transmission rate of moderate or low for 14 consecutive days, from a rate of high or substantial, will lose CDC eviction protections after the 14 days
- Can follow this at – <https://covid.cdc.gov/covid-data-tracker/#county-view>

Other rules for CDC eviction protections remain the same:

- Tenant has used best efforts to obtain all available government rent assistance
- Tenant is below income requirements:
 - Earned no more than \$99,000 (\$198,000 if joint return) in 2020, or
 - Expects to earn no more than \$99,000 (\$198,000 if joint return) in 2021, or
 - Not required to report any income to IRS in 2020, or
 - Received stimulus check
- Tenant unable to pay rent due to income loss or extraordinary out-of-pocket medical expenses.
- Tenant will use best effort to make timely partial rent payments considering other expenses to be paid
- Tenant would become homeless or need to move into close quarters (double up) if evicted
- Tenant **must** provide CDC Declaration to landlord
- Criminal trespass laws cannot be used to evict tenants

CDC Declaration:

- New CDC Eviction Protection Declaration at – https://www.cdc.gov/coronavirus/2019-ncov/communication/EvictionProtectDeclare_508.pdf
- Evictions not completed by 8/3/21 are covered where the new CDC eviction protections apply
- Evictions completed by 8/3/21 are not covered
- CDC Declaration previously given remains in effect as long as information remains truthful and tenant lives in a locality where the COVID-19 transmission rate is high or substantial

New CDC Order at <https://www.cdc.gov/coronavirus/2019-ncov/communication/Signed-CDC-Eviction-Order.pdf>

Eviction: A landlord may not evict a tenant without following court eviction process. The landlord first sends a written notice and next the landlord files an unlawful detainer (eviction) lawsuit. The landlord must get a court order of possession, followed by a Writ of Eviction.

60-day postponement: Through 9/28/21, tenants in eviction lawsuits for nonpayment of rent can get case postponed for 60 days by coming to court with written proof of reduced income

Redemption (Pay & Stay): After an eviction lawsuit for nonpayment of rent, tenants have the right to pay to a zero balance on or before the court date and have the lawsuit dismissed. After that, tenants have the right to pay to a zero balance up to 48 hours before a Sheriff's eviction and have the eviction cancelled. If the landlord has 5 or more rentals, tenants may use these rights at any time. Otherwise, tenants may use these rights only once in a 12-month period.