



TENANT RIGHTS TO AVOID EVICTION – as of 8/26/21

CDC Eviction Protections Ended 8/26/21; State Eviction Protections Remain Through 6/30/22

- On 8/26/21, the U.S. Supreme Court issued a decision ending the CDC eviction protections
- This decision does not affect State eviction protections
- In an eviction for nonpayment of rent, as of 8/10/21 Virginia law requires landlords to apply for rent relief funds and to allow 45 days for the completed application to be processed before the landlord can proceed with eviction litigation
- Virginia remains the best rent relief program in the nation – having spent a higher percentage of available funds than any other state

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 (RRP):

- Tenants may apply for RRP at <https://www.dhcd.virginia.gov/rmrp> or at 703-962-1884
- Chesterfield County tenants apply for RRP with Chesterfield Emergency Rent Assistance (CERA) at <http://actsrva.org/chesterfield-emergency-rent-and-utility-assistance-cera>

- Fairfax County tenants apply for RRP at <https://www.fairfaxcounty.gov/neighborhood-community-services/coordinated-services-planning>
- Landlords apply through Virginia Housing: <https://www.vhda.com/BusinessPartners/PropertyOwnersManagers/Pages/rentrelief.aspx>
- Email rrp@dhcd.virginia.gov for status of tenant application & rentrelief@virginiahousing.com for status of landlord application

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)

Ban on Source of Funds Discrimination: As of 7/1/2020, Virginia's Fair Housing Law prohibits landlords from refusing to accept rent based upon the source of the funds – except if landlord has 4 or fewer rentals

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.

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.

Remedies for Unlawful Exclusion: As of 7/1/2021, unlawful exclusions require initial hearing within five days, and statutory damages of \$5,000 or 4 months' rent, whichever is greater.