

Protections for Tenants During COVID-19

(Last Updated 09/04/2020)

Eviction Ban Until December 31, 2020:

- To help stop the spread of COVID-19, the Centers for Disease Control (CDC) has issued a temporary halt on evictions for tenants experiencing financial hardship.

Who gets help:

- Tenants who have lost income due to COVID-19 or have high medical expenses, and
- Earn less than \$99,000 for an individual; and
- Eviction will cause homelessness or moving in with friends or relatives

Who does not get help:

- Tenants facing eviction for reasons other than non-payment of rent
- Tenants whose inability to pay is not related to COVID-19

Tenants are not automatically protected by this program. If your landlord sues you GO TO YOUR COURT DATE and call the Eviction Legal Helpline at 833-NoEvict!

What tenants must do:

- All adults on the lease must submit a [sworn statement](#) to their landlord.
- Tenants must continue to pay as much rent as they can.
- Tenants must make their best effort to obtain any rental assistance that might be available to them.
- A copy of the sworn statement can be found by following this link:
<https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>

Virginia Rent and Mortgage Relief Program (RMRP)

The rent relief program will provide financial assistance on behalf of renters and mortgage holders who meet the following criteria:

- Have experienced a loss of income due to the Coronavirus pandemic including but not limited to:
 - Those who have been laid off;

- Those whose place of employment has closed;
- Those who have experienced a reduction in hours of work;
- Those who must stay home to care for children due to closure of day care and/or school;
- Those who have lost child or spousal support;
- Those who have not been able to work or missed hours due to contracting COVID-19;
- Those who have been unable to find work due to COVID-19; or
- Those who are unwilling or unable to participate in their previous employment due to their high risk of severe illness from COVID-19; and
- Have a rent or mortgage amount that is at or below 150% Fair Market Rent

Required documentation:

- Proof of income (pay stubs, bank statements, letter from employer, social security documents, pension)
- Valid lease or mortgage statement or other documentation showing there is a landlord-tenant relationship

The local program administrator will assist the household in obtaining these documents and will also assist the household in community and any other required documentation.

To identify the local organization administering the program and to conduct a self-assessment for eligibility, visit dhcd.virginia.gov/eligibility or call 211 VIRGINIA by dialing 2-1-1 from your phone.

It is illegal for your landlord to cut off utilities or lock you out without a court order:

- Your landlord cannot evict you without a court order, no matter what your lease says.
- You do not have to move out just because the landlord tells you to leave, gives you a “5-Day Pay or Quit” or other written notice, or files an eviction lawsuit (“unlawful detainer”) against you.
- Your landlord CANNOT cut off your utilities, including water and electricity. Electric, water, and gas utility companies are not cutting off services for non-payment until the COVID-19 crisis ends.
- If your landlord locks you out or cuts off your utilities without a court order, you can sue your landlord to get back into your home. For more information about what to do if

your landlord illegally evicts you, see our information sheet titled “Unlawful Eviction Toolkit”.

If you lost income due to COVID-19, ask the court to delay your eviction case:

- If your landlord is suing you for an eviction and you have lost income due to COVID-19, you can ask the court to delay your case for 60 days.
- On your court date, bring written proof that you lost income and ask the judge for a 60-day continuance. This does not make your case go away, it simply delays it to give you time to get together any rent money you owe. You still owe ongoing rent.
- For information on how to ask for a 60-day continuance, see our information sheet titled “Get a 60-Day Continuance for Eviction Cases”

Limit on Late Fees for Late Rent Payments:

- As of April 22, 2020, Virginia law limits the amount of late fees your landlord can charge you for paying your rent late.
- Late fees are limited to 10% of the monthly rent amount OR the amount of past due rent you owe, whichever amount is less.
- The landlord can only collect late fees if your lease says that you must pay a late fee when your rent is late.

Special Rules for Hotel, Motel, and Boarding house Residents

Ordinarily, your landlord must take you to court and get a court order before a sheriff can evict you. BUT, there are some exceptions for hotels, motels, and boarding houses, depending on how long you have lived there.

- If you have lived in the hotel, motel, or boarding house for **more than 90 days** and it is your primary residence, you have legal protections against eviction.
 - It is illegal to evict you without getting a court order and having the sheriff conduct the eviction.
 - If the eviction is for nonpayment of rent, the landlord must give you a written 5-day notice before taking you to court. The notice must tell you how much you owe and give you 5 days to pay or the landlord will terminate the lease.
 - After 5 days are up, the landlord must file an “unlawful detainer” case in court to ask for a court order to evict you.
 - If your landlord tries to evict you without going through the court process, you can file a lawsuit to stop it. For more information, see our information sheet titled “Unlawful Eviction Toolkit”.

- If you have lived in a hotel, motel, or boarding house for **less than 90 days** and do not have a lease of at least 90 days, you do not have the same legal protections against eviction.
 - The hotel/motel can evict you without taking you to court.
 - If the room or suite has been your primary residence, the landlord must give you a written 5-day notice of nonpayment before evicting you.
 - If it is not your primary residence, the landlord can evict you without the 5-day notice.

For free information and legal advice from an attorney about your case, call the Eviction Legal Helpline (833-NoEvict) or your legal aid office (866-LEGLAID).