

Tenants' Rights: After Jan. 1, 2021

During Governor's Declared State of Emergency Related to the COVID-19 Pandemic (In effect)

Are you late on one or more rent payments? Landlord must do the following:

- Offer written notice to you of amount due and owed
- You have 14 days to pay the amount due and owed, enter into a payment plan, or make another payment plan arrangement with your landlord
- The written notice must include information about submitting a signed statement certifying additional expenses or a loss of income due to the declared state of emergency
- The written notice must also offer the option but not required to enter into a repayment plan for back due rent
- The payments must be equal payments over the shorter of six months or end of lease term
 - Repayment plan cannot include late fees.
 - The written notice must have information on the availability of the Virginia Rent and Mortgage Relief Program and 2-1-1 Virginia.
 - The landlord will apply to RMRP on behalf of tenant or cooperate with tenant's RRP or other rental assistance application.

If your landlord owns less than four units or has less than a 10% interest in four rental dwelling units or fewer, they don't need to offer a payment plan on the written notice.

Are you current on your payments?

Landlord may proceed with an eviction filing hearing for other violations of lease but you cannot be evicted if you make your payments on time.

Rent Relief Program (RRP)

- If you have applied for rental assistance through RRP, a local government program or other assistance program:
 - If you do not receive written approval from RRP or any other federal, state or local rent relief program within 45 days of when you submitted a completed application package, the landlord may proceed with an evictions filing.
 - If you apply again for more rental assistance funds and you do not receive written approval from RRP or any other federal, state or local rent relief program within 14 days of submission of a completed application package, the landlord may proceed with an evictions filing.
- **If you do not qualify for RRP or any other federal or state rent relief program, or there are no longer funds available from these sources, then the landlord can proceed with an evictions filing for nonpayment of rent.**
- If you refuse to apply for RRP or any other federal, or state rent relief program and you are late on rent payments, the landlord can proceed with an eviction filing for nonpayment rent.

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Payment Plans and Alternative Payment Arrangements

- If your landlord only owns four or fewer properties, they do not have to offer a payment plan as an option.
- If you do not enter into a payment plan, pay the amount due and owed or make other arrangements with your landlord to pay the amount due and owed within 14 days after receiving a written notice from your landlord for nonpayment of rent, a landlord must do the following before proceeding with an evictions filing:
 - Give you a written notice with information on the availability of the Virginia Rent Relief Program (RRP) and 2-1-1 Virginia.
 - The landlord will apply to RRP on behalf of tenant or cooperate with tenant's RRP or other rental assistance application.
 - The landlord has 14 days to apply for rental assistance.
- If you enter into a payment plan and do not make any installment required by the plan within 14 days of the due date, the landlord can proceed with an evictions filing for nonpayment of rent after they give you written notice. The written notice must tell you:
 - The landlord's intention to obtain possession of the premises unless you pay the total amount due and owed as stated on the notice within 14 days of receipt of the notice.
 - Give you a written notice with information on the availability of RRP and 2-1-1 Virginia.
 - The landlord will apply to RRP on behalf of tenant or cooperate with tenant's RRP or other rental assistance application.
 - The landlord has 14 days to apply for rental assistance.
- The option of entering into a payment plan or alternative payment arrangement may only be used once during the time period of the rental agreement.
- **If you do not qualify for RRP or any other federal or state rent relief program, or there are no longer funds available from these sources, then the landlord can proceed with an evictions filing for nonpayment of rent.**

Public and Private Non-subsidized Housing with Federally Backed Mortgage

The CARES Act rental payment protections covers properties supported by HUD, USDA, and Treasury (Low Income Housing Tax Credit), and properties with federally backed mortgages (e.g., FHA, Fannie Mae, and Freddie Mac). Your public housing authority or landlord must give you 30 days notice before proceeding with an evictions filing. They will need to:

- Offer written notice to you of amount due and owed.
- You have 30 days to pay the amount due and owed, enter into a payment plan, or make another payment plan arrangement.
- The written notice must include information about submitting a signed statement certifying additional expenses or a loss of income due to the declared state of emergency.
- The written notice must also offer the option but not required to enter into a repayment plan for back due rent.
- The payments must be equal payments over the shorter of six months or end of lease term.
- Plan cannot include late fees.
- The written notice must have information on the availability of the Virginia Rent and Mortgage Relief Program and 2-1-1 Virginia:
 - The payments must be equal payments over the shorter of six months or end of lease term.
 - Plan cannot include late fees.
- The public housing authority will apply to RRP on behalf of tenant or cooperate with tenant's RRP or other rental assistance application.

Check here to see if you are in a unit that is covered by the CARES ACT:
https://public.tableau.com/profile/dan5628#!/vizhome/MoratoriumDatabase5_20/TableViz.

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Evictions Filing

If you get an evictions lawsuit filed against you for nonpayment of rent, there are some steps to take from recent legislation passed by the General Assembly:

- If you lost income due to COVID-19, show up to your court date and ask the court to delay your eviction case:
 - 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.

If you do not make rent payments, do not enter into a payment plan or fail to make payments under a payment plan and receive written notice from the landlord stating you have 14 days to make a payment and information on rent assistance, a landlord can proceed with an evictions filing.

- When you receive the written notice, you do not have to leave your unit immediately.
- Your landlord cannot evict you without a court order, no matter what your lease says.
- Your landlord cannot cut off your utilities, including water and electricity. Electric, water and gas utility companies are under a moratorium.

Credit Reports

If you participate in a repayment plan or receive assistance from a federal, state or local rent relief program, your account will be reflected as "current" if your landlord reports missed payments to a credit reporting agency.

Late Fees

- 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.
- If you are on a repayment plan, your landlord cannot collect late fees.

Federal CDC Eviction Moratorium

To protect public health and slow the spread of COVID-19, in September 2020 the Centers for Disease Control and Prevention (CDC) has issued an order that protects some residential tenants who have fallen behind on rent from being evicted. This moratorium is not automatic and there are steps tenants must take to avoid an eviction.

For more information, please visit:

<https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html>