

Tenants' Rights: Before 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.
- 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 (RMRP) and 2-1-1 Virginia, that landlord will apply to RMRP on behalf of tenant or cooperate with tenant's RMRP 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 do not need to offer a payment plan on the written notice.

Payment Plans and Alternative Payments

Even if you do not enter into a payment plan, fail to pay the amount due and owed, or do not make other arrangements with your landlord to pay the amount due and owed within 14 days after receiving a written notice for nonpayment of rent from your landlord, a landlord still cannot file an evictions filing until Jan. 1, 2021 at the soonest. If you are able to make regular payments or under a payment plan, do not stop paying your rent.

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 enter into a payment plan and do not make any installment required by the plan within 14 days of the due date, the landlord cannot proceed with an evictions filing for nonpayment of rent until Jan. 1, 2021.

Are you current on your payments?

If you are able to pay your rent payments, continue to make payments. You can only be evicted for other lease violations such as failure to follow the lease (other than nonpayment of rent), or if you have committed a violation that affects the health and safety of residents.

Rent and Mortgage Relief Program (RMRP)

If you have applied for rental assistance through RMRP, a local government program or other assistance program:

- Even if you do not receive written approval from RMRP or any other federal, state, or local rent relief program the landlord cannot proceed with an evictions filing lawsuit until Jan. 1, 2021

If you refuse to apply for RMRP or any other federal or state rent relief program and you are late on rent payments, the landlord can proceed with an evictions filing.

CDC Moratorium on Evictions

The CDC issued an Eviction Ban for Nonpayment of Rent on Sept. 4-Dec. 31, 2020. Based on individual circumstances, please consult with your counsel about this order.

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

Credit Reports

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