

Northern Virginia Eviction Prevention & Housing Stability Toolkit



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About This Toolkit

The goal of this toolkit is to shed light on what is being done to stabilize communities in Northern Virginia, and where gaps in eviction prevention efforts remain. This toolkit was created in collaboration with a regional coalition of advocates, attorneys, property owners, and representatives from local governments, convened by the Northern Virginia Affordable Housing Alliance (NVAHA) and Legal Services of Northern Virginia (LSNV). A digital version of this toolkit is available, as part of a larger collection of COVID-19-related resources, on the NVAHA website at: <https://nvaha.org/covid-19-resources-and-updates/>. Additional COVID-19-related *legal* resources are available from LSNV at: <http://www.lsnv.org/coronavirus-covid-19/>.

About NVAHA

The mission of the Northern Virginia Affordable Housing Alliance is to promote healthy, sustainable and equitable communities that meet the diverse housing needs of Northern Virginia residents through policy advocacy, education and research.

About LSNV

Legal Services of Northern Virginia is the largest legal aid organization in Northern Virginia, helping thousands of clients each year in civil legal matters. LSNV partners closely with other legal aid organizations, state and local bar associations, as well as the courts to serve the region's low-income and neediest populations.

Federal Action

Northern Virginia communities will be hampered in their efforts to support vulnerable populations and keep residents in their homes without action and investment on the part of the federal government. Here are the steps Congress needs to take to prevent the coming wave of evictions:



Reinstate unemployment insurance at the \$600/week-level.



Reinstate eviction moratoria on properties with federally-backed mortgages.



Provide supplemental funding to states and localities for the express purpose of rent and mortgage assistance.

State Action

In response to a request from Gov. Northam, the Supreme Court of Virginia reinstated an eviction moratorium through Sept. 7, 2020. On Aug. 14, Gov. Northam proposed extending this moratorium through at least April 30, 2021. The current moratorium prevents the issuance of new writs of eviction for non-payment of rent, but does not prevent the enforcement of previously issued writs of eviction, or prevent eviction cases from proceeding through the court system. More action is needed to fully protect Virginia residents for the duration of the public health crisis. Housing activists should advocate for the following actions to protect vulnerable residents:



Increase funding for the state's rental assistance program. Fund targeted outreach to underserved populations, including Latinx residents, and reduce the burden of proof required to show COVID-19-related loss of income (many residents working in highly affected industries, including construction and food service are unable to obtain a letter from their former employer because the employer has gone out of business).



Adopt the right of counsel for tenants facing eviction. Research shows that tenants facing eviction who have access to legal representation are more likely to remain in their homes, and have their case records sealed so they do not face future barriers to housing access.¹



Limit public access to COVID-19-related failure to pay rent cases, so the future housing prospects of COVID-19-impacted residents are not damaged.

¹ "Key Studies and Data About How Legal Aid Improves Housing Outcomes," The Justice in Government Project at American University, July 3, 2020. <https://www.american.edu/spa/jpo/toolkit/upload/housing-7-30-19.pdf>

Best Practices for Local Jurisdictions

1. **Use CARES Act funding to establish a local rental assistance program**, and fund targeted outreach to underserved communities. (View NVAHA's chart of rental assistance programs in Northern Virginia on page 7.)
2. **Be flexible with requirements to show COVID-19-related loss of income.** Many residents working in highly affected industries, including construction and food service are unable to obtain a letter from their former employer because the employer has gone out of business.
3. **Form a local coordinated response team** of local government agencies, and human service and legal aid organizations to support individuals facing eviction, and connect them to rental assistance and other resources.
 - ★ For example, Fairfax County has established a cross-agency eviction prevention team, comprised of representatives from
 - The Sheriff's Office
 - Legal Services of Northern Virginia
 - The Office to Prevent and End Homelessness
 - The Office of Strategy Management
 - The Department of Health and Human Services
 - The Department of Neighborhood and Community Services
 - The County Attorney's Office
 - ★ Encourage the Sheriff's Office, in particular, to collaborate to keep residents in their homes AND protect public health. Important actions for Sheriff's Departments to take include setting a policy not to evict households with one or more members who were exposed to COVID-19 or have COVID-19 like symptoms. Some Northern Virginia Sheriff's Offices have also agreed to provide information on the state rental assistance program when posting a notice of eviction.
4. **Support landlords as well as tenants.** Many landlords of market-rate affordable units are small business owners who do not have federally-backed loans, and therefore are not eligible for federal mortgage forbearance. Such landlords, along with the many nonprofit affordable housing providers in our region, operate on thin margins and cannot afford to simply waive tenants' rent. Jurisdictions should work with these landlords to provide relief from mortgage payments, property

taxes and/or operating expenses, on the condition that landlords provide relief to vulnerable tenants.

★ The COVID-19 pandemic highlights the importance for local jurisdictions to engage with landlords on an ongoing basis to develop relationships that foster collaboration and cooperation in times of crisis. The following are best practices for establishing positive relations with landlords, shared by the City of Alexandria:

- Organize staff visits to meet the owners of newly developed and recently sold properties, and senior leadership of large property management companies
- Provide impartial mediation and technical assistance to landlords as well as tenants
- Establish relationships with landlord attorneys
- Organize educational seminars on topics of interest to property owners and managers, and promote the educational activities of organizations such as the Northern Virginia Apartment Association (NVAA)

5. **Create a Housing Stability Pledge** to encourage landlords and/or lenders to adopt best practices such as mortgage forbearance, late fee moratoriums, flexible repayment plans, and neutral credit reporting/not reporting late payments for tenants who agree to a repayment plan. Fairfax County is working to develop a voluntary Housing Stability Pledge for landlords. Details of the pledge will be announced in the coming weeks.

Public Rental Assistance Programs in NoVA

AVAILABLE FUNDS	ELIGIBILITY CRITERIA	MAX/HOUSEHOLD	DISBURSEMENT	OUTREACH & ACCESS	START DATE	LINK
ALEXANDRIA: \$4 million in Coronavirus Relief Funds for rental assistance & \$671,000 in CDBG funds for non-profit housing providers	<ul style="list-style-type: none"> Alexandria resident Lost income as a direct result of COVID-19 Current on rent as of 3/31 60% AMI or below (first priority: 50% AMI or below) Not residing in a publicly-assisted unit, or receiving government rental assistance (e.g., voucher) Immigration status will not affect eligibility 	Up to \$600/month for up to 3 months (est. to serve 1,660 households)	Payments made directly to landlords	<ul style="list-style-type: none"> Apply online or by phone at 703-746-3100 Applications in 4 languages Collaboration w/ community partners to reach underserved residents 	First round of applications: May 19 - May 29	https://www.alexandriava.gov/Housing
ARLINGTON: \$830,027 in CARES Act CDBG funds + \$239,159 in COVID-related CSBG funds	<ul style="list-style-type: none"> Low- to moderate-income Arlington residents Lost income as a direct result of COVID-19 Immigration status will not affect eligibility 	Up to \$1,500/month for up to 3 months (est. to serve 200-600 households)	Payments made directly to landlords/utility providers by Arlington Thrive	<ul style="list-style-type: none"> The County will partner with Arlington Thrive to reach underserved residents 	Early June (pending HUD approval)	https://arlingtonthrive.org/covid19-help/
FAIRFAX: \$3,506,542 in CARES Act CDBG funds & \$20 million in CARES Act relief funds	<p>Residents:</p> <ul style="list-style-type: none"> Fairfax County resident At or below 100% AMI Lost income as a direct result of COVID-19 Applicants will not be asked their immigration status <p>Housing Providers (CDBG funds only):</p> <ul style="list-style-type: none"> Partners w/ FCRHA financing (non-profit partners w/ must pay debt will receive first priority) Properties w/ federal project-based vouchers are not eligible 	Up to 4 months of assistance, no limit on the amount of funds households can receive	Payments made directly to landlords, \$3.5 million administered by DHCD, \$20 million administered by local CBOs. Contact Fairfax County CSP for assistance.	<ul style="list-style-type: none"> CSP staff are available to assist clients via phone in more than 16 different languages 	The program is available now - Dec. 30, as funding allows.	https://www.fairfaxcounty.gov/neighborhood-community-services/ordinated-services-planning
LOUDOUN: \$680,000 in CARES Act CDBG funds+ funds from the Eastern Loudoun County Home Revitalization Program	<ul style="list-style-type: none"> Loudoun County residents earning no more than 70% of the state median income Lost income as a direct result of COVID-19 Current on rent as of 3/1 	Up to \$1,000/month for up to 3 months (must reapply each month)	Payments made directly to landlords	<ul style="list-style-type: none"> Online or paper application available in English or Spanish from the County's Information & Referral Program 	April 13, 2020	https://www.loudoun.gov/limitedrentassistancenc
PRINCE WILLIAM: \$10 million in FY20 CDBG funds, CARES Act CDBG funds, & Coronavirus Relief Funds	<ul style="list-style-type: none"> U.S. citizen/legal resident (prorated payments to mixed-status households) Prince William County resident 80% AMI or below Affected by COVID-19 medically, or through loss of income At-risk of homelessness Not receiving financial assistance from another agency 	Up to 3 months of assistance (amount variable)	Payments made directly to vendors - landlords, utility providers, & mortgage holders (for homeowners)	<ul style="list-style-type: none"> Online, paper or phone application in English or Spanish 	July 1, 2020 (pending HUD approval)	https://www.pwcgov.org/government/dept/housing/Pages/default.aspx



Virginia Rent and Mortgage Relief Program (RMRP):

- ✓ Gov. Northam allocated \$50 million in federal CARES Act funding to create a statewide program that provides short-term rental assistance to eligible households.
- ✓ Information on program guidelines and eligibility requirements is available via local program administrators.
 - Northern Virginia Family Service administers RMRP funds in Fairfax (703-222-0880), Loudoun (703-777-0420) and Prince William (703-792-3366) Counties
 - In the City of Alexandria, funds are administered through the Office of Community Service (703-746-5700)
 - In Arlington County funds are administered through the Department of Human Services (703-228-1300)

Best Practices for Landlords

1. **Waive late fees/penalties.** Our partners tell us that, by allowing tenants to pay what they can at any point throughout the month, they have seen lower non-payment rates than anticipated.
2. **Work with tenants to devise a repayment plan.** In Northern Virginia jurisdictions, landlords and tenants must agree to a repayment plan in order for tenants to receive rental assistance (see a list of rental assistance programs by jurisdiction and information on the state rent and mortgage relief program on page 7). When possible, working one-on-one with tenants to help them identify and access the services they need helps keep families secure and housed. While the needs of each individual household are unique, below are some common elements of a successful repayment plan that our partners have identified:
 - ✓ Residents must inform the landlord of financial hardship that is COVID-19-related.
 - ✓ Flexible documentation requirements (many residents working in highly affected industries, including construction and food service are unable to obtain a letter from their former employer because the employer has gone out of business). A self-declaration of unemployment is the most flexible option.
 - ✓ Landlord agrees not to evict for non-payment or charge late fees through December 2020 (landlord may still evict for other gross infractions of the lease terms).
Landlord agrees not to increase rent through January 2021.
 - ✓ Encourage residents who can make partial rent payments to do so.
3. **Collaborate with local government agencies and human service organizations** to notify tenants about available rental assistance options. If you have the capacity, assist tenants with the paperwork and application process for these programs.
4. **If your jurisdiction offers a Housing Stability Pledge - sign it!** Signing a pledge like the one under development in Fairfax County shows your commitment to collaborating in good faith to keep tenants in their homes.

What Tenants Need to Know

1. **Rental assistance is available from the state and local jurisdictions.** (See a list of rental assistance programs by jurisdiction and information on the state rent and mortgage relief program on page 7.)
2. **Your landlord cannot evict you without following a legal process**, no matter what your lease or your landlord says. For a complete timeline of the eviction process in Virginia during COVID-19 see page 10.
3. **If your landlord tries to evict you without following the legal process** (see page 10), you may be able to file an "Unlawful Exclusion" suit. Contact: **1-866-LEGL-AID** or **1-833-NoEvict**.
4. If your landlord files an unlawful detainer (eviction) suit against you - **you may be able to request a 60-day delay in your case, or request to appear for your case remotely due to COVID-19.** For more information visit:
<http://www.lsnv.org/coronavirus-covid-19/>
5. **Your rent payment matters.** It is important that tenants who are able to make partial or full rent payments during the pandemic do so, so landlords can maintain normal operations, avoid foreclosure and offer relief to those who are unable to pay at all.

NAVIGATING THE EVICTION PROCESS DURING COVID-19

1 NOTICE



If you miss a rent payment, your landlord is **required** to give you a written notice **5 days before** filing an eviction suit (called a "5 Day Pay or Quit" notice). **You do not have to move out after receiving this notice.** It is a warning that your landlord is planning to take legal action. If you live in a property with a federally-backed mortgage, your landlord may not be able to file suit until August 24 due to COVID-19-related tenant protections. If you lost income due to COVID-19 and feel comfortable doing so, contact your landlord before your rent is due and ask if they will agree to a repayment plan. You may also be eligible for rental assistance from the state or your local jurisdiction.

2 SUMMONS



If you receive a summons, **you must appear in court** at the date & time specified. Although new writs of eviction for non-payment of rent (see #6) will not be issued in Virginia until Sept. 7, eviction cases are proceeding in court. Due to the COVID-19 pandemic, you may be able to appear remotely. **If you do not appear in court on this date, there will be a default judgement for the landlord.**

3 FIRST RETURN



The date listed on the summons is the "first return" date. The first return is your opportunity to dispute the case and request a trial. If you lost income due to COVID-19, you may be able to request a 60-day delay in your case at this time. **If you do not appear in court on this date, there will be a default judgement for the landlord.**

4 TRIAL DATE



The trial is your opportunity to present evidence in your defense, including papers, receipts and witnesses.

5 APPEAL PERIOD



If the judge rules in favor of your landlord, **you cannot be evicted for 10 days** (even if the landlord is awarded immediate possession). During this period, you can appeal the ruling. If the judge ruled you owe your landlord money and you appeal the ruling, you will need to pay a writ tax and appeal bond (usually equal to the rent you owe, late fees, attorney fees, and any other damages).

6 WRIT OF POSSESSION



If the judge rules in favor of your landlord, the landlord will issue a "writ of eviction" to the Sheriff's Office. **Due to the COVID-19 pandemic, new writs for non-payment of rent will not be issued in Virginia until Sept. 7, 2020.** The Sheriff has 30 days from the time the writ is issued to post a notice of eviction on your door. The Sheriff must give you **at least 72 hours** from the time the notice is posted to vacate the premises, but usually will allow 7-10 days.

7 EVICTION



After 72 hours (or the amount of time listed on the eviction notice) the eviction can take place. It is best to pack-up and move your belongings before this time. If you do not have a place to live, contact your local Department of Social Services. If your landlord locks you out of your home, or otherwise attempts to evict you without following the steps above, you may be able to file an "Unlawful Exclusion" suit. Contact: **1-866-LEGL-AID** or **1-833-NoEvict**.

For more information visit:
<https://nvaha.org/covid-19-resources-and-updates/>
<http://www.lsnv.org/coronavirus-covid-19/>



Health & Wellness Resources

Support for Survivors of Domestic Violence

Survivors of domestic and intimate partner violence face heightened risk during the COVID-19 pandemic due to increased stress and financial strain, compounded by stay-at-home orders. If you are a victim of domestic violence, you may be able to terminate your obligations under your lease, or take over tenancy if someone you live with was excluded by a court order. For more information contact the National Domestic Violence Hotline at **1-800-799-7233**, or contact the domestic violence hotline in your jurisdiction:

- ✓ City of Alexandria: 703-746-4911
- ✓ Arlington County: 703-237-0881
- ✓ Fairfax County: 703-360-7273
- ✓ Loudoun County: 703-777-6552
- ✓ Prince William County (ACTS Domestic Violence Services): 703-221-4951

Child Abuse & Neglect

In addition to the added risks described above, identifying cases of child abuse and neglect is more difficult due to school closures, as children no longer have contact with educators, who are mandatory reporters. To report cases of child abuse and neglect contact:

- ✓ City of Alexandria: 703-746-5800
- ✓ Arlington County: 703-228-1500
- ✓ Fairfax County: 703-324-7400
- ✓ Loudoun County: 703-771-5437
- ✓ Prince William County: 703-792-4200
- ✓ State of Virginia: 1-800-552-7096

Mental Health Resources

If the stress and financial strain of the COVID-19 pandemic are causing you or your child to experience a mental health crisis, contact:

- ✓ Crisis Link Hotline: 703-527-4077 (or text CONNECT to 855-11)