

# Northern Virginia Eviction Prevention & Housing Stability Toolkit

## TENANT SUPPLEMENT



## **About This Supplement**

This is a supplement to the Northern Virginia Eviction Prevention and Housing Stability Toolkit, created by the Northern Virginia Affordable Housing Alliance (NVAHA) and Legal Services of Northern Virginia (LSNV) in collaboration with a regional coalition of advocates, attorneys, property owners, and representatives from local governments. This supplement contains information relevant to tenants and human service providers working directly with tenants in the Northern Virginia region. Due to the dynamic and evolving nature of housing stability during the COVID-19 pandemic, the information in this supplement is subject to frequent updates. The most current version of this supplement, and the complete Northern Virginia Eviction Prevention and Housing Stability Toolkit are available as part of a 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/>.

## **Eviction Prevention & Racial Equity**

In Virginia and nationwide, Black and Latinx households face a disproportionate risk of eviction and COVID-19-related housing instability.<sup>1,2</sup> This risk both stems from and threatens to exacerbate disparities in COVID-19 infections and outcomes, and the economic impact of the pandemic. It is important for advocates, policymakers and providers to understand the current eviction crisis as not only a humanitarian and public health issue, but a racial equity issue. If we do not take action to prevent the coming wave of evictions, it will harm us all, but the greatest harm will be experienced by Black and brown residents – residents who are already suffering disproportionately from the COVID-19 pandemic.

### **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.

<sup>1</sup> "A Triple Pandemic?" The Economic Impacts of COVID-19 Disproportionately Affect Black and Hispanic Households," Joint Center for Housing Studies at Harvard University, July 7, 2020.

<https://www.jchs.harvard.edu/blog/a-triple-pandemic-the-economic-impacts-of-covid-19-disproportionately-affect-black-and-hispanic-households/>

<sup>2</sup> "Revisiting COVID-19, Evictions, and Racial Equity," Housing Opportunities Made Equal of Virginia, Inc., April 8, 2020. <https://homeofva.org/revisiting-covid-19-evictions-and-racial-equity/>

## **COVID-19 & Eviction: What Tenants Need to Know**

1. **The CDC eviction moratorium may not be enforceable.** It is unclear whether the CDC order will hold up in court at the state or local level. Even if the order does prove to be enforceable, this order:
    - Does not protect you from debt related to missed rent payments and associated fees
    - Only prevents eviction for non-payment of rent
    - Only applies if you and all adult members of your household sign declarations stating:
      - You used best efforts to obtain all available government rental assistance
      - You expect to earn no more than \$99,000 (\$198,000 for a joint return) in 2020, were not required to report any income to the IRS in 2019, **OR** received a stimulus check
      - You are unable to pay rent due to income loss or extraordinary out-of-pocket medical expenses
      - You will use best efforts to make timely partial rent payments, taking into account other expenses which must be paid
      - You will become homeless or need to double-up with another household if evicted
- If possible, the best course of action is to work with your landlord to devise a repayment plan, and apply for rental assistance from the state or your local jurisdiction (see page 4).
2. **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 4.
  3. **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 5.
  4. **If your landlord tries to evict you without following the legal process** (see page 5), you may be able to file an "Unlawful Exclusion" suit. Contact: **1-866-LEGL-AID** or **1-833-NoEvict**.
  5. 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/>
  6. **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.



# Public Rental Assistance Programs for Northern Virginia Residents

	ELIGIBILITY CRITERIA	MAX/ HOUSEHOLD	DISBURSEMENT	OUTREACH & ACCESS
<b>ALEXANDRIA</b>	<ul style="list-style-type: none"> <li>Alexandria resident</li> <li>Documented loss of income directly related to COVID-19</li> <li>Current on rent as of 3/31</li> <li>60% AMI or below (first priority: 50% AMI or below)</li> <li>Not residing in a publicly-assisted unit, or receiving government rental assistance (e.g., voucher)</li> <li>Immigration status will not affect eligibility</li> </ul>	One-time payment up to \$1,800	Payments made directly to landlords	<ul style="list-style-type: none"> <li>Apply online or by phone at 703-746-3100</li> <li>Applications in 4 languages</li> <li>Link: <a href="https://www.alexandriav.a.gov/Housing">https://www.alexandriav.a.gov/Housing</a></li> </ul>
<b>ARLINGTON</b>	<ul style="list-style-type: none"> <li>Low-income Arlington resident</li> <li>Documented loss of income directly related to COVID-19</li> <li>Immigration status will not affect eligibility</li> </ul>	Up to \$1,500/month for up to 3 months	Payments made directly to landlords & utility providers by Arlington Thrive	<ul style="list-style-type: none"> <li>Contact Arlington Department of Human Services at 703-228-1300</li> <li>Support is available in six languages, including English</li> <li>Link: <a href="https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/15/2020/04/RenterRights_Flyer_April2020.pdf">https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/15/2020/04/RenterRights_Flyer_April2020.pdf</a></li> </ul>
<b>FAIRFAX</b>	<ul style="list-style-type: none"> <li>Fairfax County resident</li> <li>Documented loss of income directly related to COVID-19</li> <li>100% AMI or below</li> <li>Applicants will not be asked their immigration status</li> </ul>	Up to 4 months of assistance, no limit on the amount of funds households can receive while funding lasts	Payments made directly to landlords, \$3.5 million administered by DHCD, \$20 million administered by local community-based organizations, contact Fairfax County Coordinated Services Planning (CSP) for assistance	<ul style="list-style-type: none"> <li>Contact CSP at 703-222-0880</li> <li>Staff are available to assist clients in more than 16 different languages</li> <li>Link: <a href="https://www.fairfaxcounty.gov/neighborhood-community-services/coordinated-services-planning">https://www.fairfaxcounty.gov/neighborhood-community-services/coordinated-services-planning</a></li> </ul>
<b>FALLS CHURCH</b>	<ul style="list-style-type: none"> <li>City of Falls Church resident</li> <li>Documented loss of income directly related to COVID-19</li> <li>Immigration status will not affect eligibility</li> </ul>	No limit on the amount of funds households can receive while funding lasts	Payments made directly to landlords and management offices	<ul style="list-style-type: none"> <li>Apply via email at <a href="mailto:HHSinfo@fallschurchva.gov">HHSinfo@fallschurchva.gov</a>, or by phone at 703-248-5005</li> <li>Application available in English/Spanish</li> <li>Link: <a href="https://www.fallschurchva.gov/681/Housing-Human-Services">https://www.fallschurchva.gov/681/Housing-Human-Services</a></li> </ul>
<b>LOUDOUN</b>	<ul style="list-style-type: none"> <li>Loudoun County resident</li> <li>Documented loss of income directly related to COVID-19</li> <li>Current on rent as of 3/31</li> <li>80% AMI or below</li> </ul>	Up to 6 months of assistance depending on available funds	Payments made directly to landlords	<ul style="list-style-type: none"> <li>Apply online in English or Spanish, or call 703-777-0420</li> <li>Link: <a href="https://www.loudoun.gov/limitedrentassistance">https://www.loudoun.gov/limitedrentassistance</a></li> </ul>
<b>PRINCE WILLIAM</b>	<ul style="list-style-type: none"> <li>Prince William County resident</li> <li>Documented loss of income directly related to COVID-19</li> <li>Current on rent as of 3/31</li> <li>80% AMI or below</li> <li>U.S. citizen/legal resident</li> <li>Not receiving financial assistance from another agency</li> </ul>	Up to 3 months of assistance	Payments made directly to vendors - landlords, utility providers, & mortgage holders (for homeowners)	<ul style="list-style-type: none"> <li>Apply online in English or Spanish, call 703-792-7538 for assistance</li> <li>Link: <a href="https://www.pwcgov.org/government/dept/housing/Pages/default.aspx">https://www.pwcgov.org/government/dept/housing/Pages/default.aspx</a></li> </ul>
<b>STATE RMRP PROGRAM</b>	<ul style="list-style-type: none"> <li>Virginia resident with valid lease or mortgage statement in their name</li> <li>Self-certified loss of income due to COVID-19</li> <li>Rent or mortgage is below 100% Fair Market Rent</li> <li>80% AMI or below</li> </ul>	<ul style="list-style-type: none"> <li>100% of the current month's rent/mortgage &amp; 100% of past due rent/mortgage (plus associated fees) from April 1, 2020</li> <li>No limit on the amount of funds households can receive while funding lasts</li> </ul>	<ul style="list-style-type: none"> <li>Payments made to landlords/mortgage holders</li> <li>In Fairfax, Loudoun &amp; Prince William Counties &amp; Falls Church, funds administered by <a href="#">Northern Virginia Family Service</a></li> <li>In Alexandria funds administered by the <a href="#">Office of Community Services</a></li> <li>In Arlington funds administered by the <a href="#">Department of Human Services</a></li> </ul>	<ul style="list-style-type: none"> <li>Grantees must provide outreach to &amp; coordination with local court systems, local landlords, local offices of legal aid, organizations serving communities of color &amp; other applicable entities</li> <li>For assistance, call 804-404-8752</li> </ul>

# 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)