# Table of Contents

About This Toolkit ........................................................................................................................................... 2  

Federal Action .................................................................................................................................................. 3  

State Action .................................................................................................................................................... 4  

Local Action .................................................................................................................................................... 5  

What Landlords Need to Know .................................................................................................................. 6  

What Tenants Need to Know ..................................................................................................................... 7  

Rental Assistance Resources .................................................................................................................... 8  

Navigating the Eviction Process During COVID-19 .............................................................................. 9  

Health & Wellness Resources .................................................................................................................. 10
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). Due to the dynamic and evolving nature of housing stability during the COVID-19 pandemic, the information in this Toolkit is subject to frequent updates. The most current version of the Toolkit is 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.\(^1\)\(^2\) 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.

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### Federal Action

<table>
<thead>
<tr>
<th>What’s been done?</th>
<th>What needs to be done?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CDC Eviction Moratorium</strong>&lt;br&gt;On September 1, the U.S. Centers for Disease Control and Prevention (CDC) announced a moratorium on evictions for non-payment of rent from Sept. 4 – Dec. 31, 2020. The moratorium applies if each adult household member listed on the lease provides the landlord with a <em>signed declaration</em> stating:</td>
<td><em>Extend and strengthen the CDC moratorium.</em> If this order is allowed to expire on Dec. 31, millions of renter households will be at-risk of eviction come January.¹&lt;br&gt;The order should also be strengthened to apply to all tenants facing eviction for non-payment of rent (removing the eligibility and declaration requirements), and all stages of the eviction process (not just execution of writs).</td>
</tr>
<tr>
<td>• The tenant used best efforts to obtain all available government rental assistance</td>
<td><strong>Work with lenders to offer mortgage forbearance.</strong> The federal government should work with financial institutions to arrange mortgage forbearance for multifamily property owners with public and privately-backed mortgages, on the condition that property owners provide rent forbearance with flexible repayment terms to tenants.</td>
</tr>
<tr>
<td>• The tenant expects to earn no more than $99,000 ($198,000 for a joint return) in 2020, was not required to report any income to the IRS in 2019, <strong>OR</strong> received a stimulus check</td>
<td><strong>Fund rent and mortgage relief.</strong> The government should provide additional funding to states and localities for the express purpose of providing rent and mortgage assistance to households.</td>
</tr>
<tr>
<td>• The tenant is unable to pay rent due to income loss or extraordinary out-of-pocket medical expenses</td>
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<tr>
<td>• The tenant will use best efforts to make timely partial rent payments, taking into account other expenses which must be paid</td>
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</tr>
<tr>
<td>• The tenant will become homeless or need to double-up with another household if evicted</td>
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The CDC eviction moratorium offers only *limited, short-term* protection to some tenants. Financial support for tenants and landlords is needed to ensure long-term housing stability in Northern Virginia and communities across the U.S.

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## State Action

### What’s been done?

- **State eviction moratorium** On Nov. 18, the Gov. signed a bill banning eviction for non-payment of rent through Dec. 31, 2020. This ban applies to all tenants except those who refuse to apply to the state Rent and Mortgage Relief Program. Unlike the CDC moratorium, the Virginia state moratorium does not require tenants to submit a written declaration of eligibility to their landlord.

- **Virginia Rent and Mortgage Relief Program (RMRP).** In June 2020, the state launched its Rent and Mortgage Relief Program (RMRP) using federal CARES Act funding. To keep the programming running in 2021 (after the Dec. 30, 2020 deadline to use CARES Act funding), the state will use a combination of Community Development Block Grant and Housing Trust Fund funding.

- **14-day notice.** As of Nov. 9, all landlords are required to give tenants 14 days’ notice (increased from 5 days’ notice) before filing an eviction suit for non-payment of rent. Landlords who own more than four units must also offer tenants the option of entering a repayment plan with no late fees.

- **60-day continuance & expansion of legal services.** The state, with help from a matching grant from IKEA, allocated $4 million to expand access to legal services for Virginians facing eviction. Tenants facing eviction for non-payment of rent who lost income due to COVID-19 can also request a 60-day continuance in their case.

- **Protection from discrimination based on payment history.** As of Nov. 9, landlords cannot deny applicants for tenancy based solely on the applicant’s payment history or an eviction for non-payment of rent that occurred between March 12, 2020 and the end of the COVID-19 public health emergency. Unfortunately, the burden of reporting discrimination falls on the tenant, and the window to report a violation is very short.

### What needs to be done?

- **Extend and strengthen the state moratorium.** The state moratorium should be extended through the end of the COVID-19 public health emergency, and expanded to cover tenants who apply for local government or non-profit rental assistance.

- **Make permanent changes to “pay-or-quit” notices.** Many tenants move out of their homes after receiving a pay-or-quit notice because these notices are written in language that is hard to understand (especially for non-native English speakers). The state should change the language landlords must use in pay-or-quit notices, so it is clear the tenant can stay in their home through the end of the eviction process. The state should also make the 14-day notice period permanent (this change is set to expire July 1, 2021).

- **Right to counsel.** 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. The state should institute a right to counsel and fund public representation for tenants facing eviction.

- **Stronger protection from discrimination based on eviction/payment history.** Denial of applicants for tenancy based solely on payment history or a past eviction for non-payment of rent creates a cycle of housing insecurity. The state can break this cycle by implementing protections that extend beyond the COVID-19 public health crisis, and by sealing or automatically expunging eviction records after a certain period of time.

- **Allow tenants to zero out their balance more than once per year.** The state should not limit the number of times tenants can avoid eviction by zeroing out their balance owed. Currently tenants can avoid eviction by zeroing out their balance only once every 12 months.

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Developed by the Northern Virginia Affordable Housing Alliance & Legal Services of Northern Virginia
Local Action

What’s been done?  Emerging Best Practices

✓ Establish local rental assistance programs. The Cities of Alexandria and Falls Church, and Arlington, Fairfax, Loudoun and Prince William Counties each established a local rental assistance program using federal COVID-19 relief funding.

✓ Develop cross-sector collaborations to support residents. Many Northern Virginia jurisdictions have formed cross-agency eviction prevention response teams that include representatives from multiple local government agencies, and human service and legal aid organizations. These teams work together to support individuals at-risk of eviction, and connect them to rental assistance and other resources, while avoiding duplication of outreach efforts. Non-profit organizations are also joining together to support residents. In the City of Alexandria, NVAHA and LSNV joined with ALIVE! and Lazarus Ministry to form the Alexandria Eviction Prevention Partnership (AEPP). The goal of the partnership is to organize and expand on resident outreach and case management services in the City of Alexandria.

✓ Engage Sheriffs’ Departments to support residents. The Eviction Prevention Task Force in the City of Alexandria and the Fairfax County Task Force both include representatives from the local Sheriffs’ Departments. These representatives help local government staff and human service providers connect residents facing active writs of eviction to emergency services. To protect public health and keep residents safely housed, Sheriffs’ Departments can also set a policy not to evict households with members who were exposed to COVID-19 or have COVID-19 like symptoms.

✓ Institutionalize positive relationships with landlords. The COVID-19 pandemic highlights the value of developing good relationships between local jurisdictions and landlords to foster collaboration and cooperation that can act as a bridge in times of crisis. The City of Alexandria has initiated the following activities for engaging landlords that serve as a model for best practices: organize staff visits to meet property owners and managers, provide impartial mediation and technical assistance to landlords and tenants, establish relationships with landlord attorneys, organize and promote educational seminars on topics of interest to property owners and managers.

✓ Provide economic relief for landlords. Many Northern Virginia jurisdictions have offered relief to non-profit landlords with publicly-backed loans. For example, Arlington County allowed its borrowers to defer 2019 residual receipt loan payments, and Fairfax County offered financial assistance to properties with Fairfax County Redevelopment and Housing Authority financing. However, many owners of small, market-affordable units without publicly-backed loans or mortgages are at-risk of foreclosure due to lost rental income. Mitigation strategies such as property tax abatement for landlords who agree not to evict tenants for non-payment of rent for the duration of the public health emergency could help these landlords stay afloat.
What Landlords Need to Know
Before Filing an Eviction Suit

1. **You CANNOT evict tenants for non-payment of rent before Dec. 31, 2020, as long as your tenants agree to apply for assistance through the state Rent and Mortgage Relief (RMRP) Program.**

2. **YOU can apply for rental assistance on behalf of tenants!** Virginia Housing received funding from the state to administer funds directly to landlords on behalf of eligible tenants. The application process for landlords is faster and funds will be disbursed more quickly if you apply on behalf of your tenants. Learn more and apply: VirginiaHousing.com/RMRP.

3. **You MUST offer tenants a repayment plan.** As of November 9, 2020 state law requires landlords who own more than four units (or more than 10% interest in more than four units) to offer tenants a repayment plan before filing an eviction suit. This bill also extends the period between issuing a pay-or-quit notice and filing an eviction suit from 5 to 14 days for all landlords (regardless of the number of units they own). The bill will remain in effect through July 1, 2021.

   Below are some common elements of a successful repayment plan identified by Northern Virginia landlords:
   - 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.
   - Residents must inform the landlord of financial hardship that is COVID-19-related. (Self-declaration of unemployment accepted in lieu of documentation.)
   - Encourage residents who can make partial rent payments to do so.

4. **Collaborate to access rental assistance.** Tenants who are uncomfortable applying for state or local government assistance may be able to receive assistance from local faith communities, or other non-profit providers. Working one-on-one with tenants to help them identify and access the services they need is the best way to keep families secure and housed, and to mitigate the effects of the COVID-19 pandemic on your rental income.
What Tenants Need to Know

1. **Your landlord CANNOT evict you for non-payment of rent before Dec. 31, 2020, as long as you agree to apply for assistance through the state Rent and Mortgage Relief (RMRP) Program (see page 8).**

2. **Your landlord CANNOT evict you without following a legal process** (see page 9). After Dec. 31, 2020 (or if you decline to apply to the state RMRP program), your landlord MUST give you **14 days’ notice** before filing an eviction suit. If your landlord owns more than 4 units, they must also offer you a repayment plan without late fees.

3. If you are covered by the state eviction moratorium you **still owe your landlord rent.** You can apply for rental assistance from the state, the city or county where you live, or local non-profits (see page 8).

4. If you are facing an eviction case in court and you lost income due to COVID-19 you may be able to receive a 60-day continuance in your case.

5. If you are facing an eviction case (“unlawful detainer”) in court and have questions or need legal representation contact Legal Services of Northern Virginia:

   **Phone:** 703-778-6800 (Mon – Thurs, 9:30am – 12:30pm & 1:30 – 3:30pm)
   **Website:** www.LSNV.org
Rental Assistance Resources

State Rent and Mortgage Relief (RMRP) Program
Covers 100% of past due rent (plus associated fees) from April 1, 2020. It is recommended that landlords apply on behalf of tenants to receive funds more quickly.

Contact (residents): You can call the number listed below for the city or county where you live to request information on how to apply. You can also talk to your landlord about applying for state assistance on your behalf.

Contact (landlords): VirginiaHousing.com/RMRP

Arlington County Residents
Contact: Department of Human Services
Phone: 703-228-1300

City of Alexandria Residents
Contact: Office of Housing
Phone: 703-746-3100

City of Falls Church Residents
Contact: Department of Housing and Human Services
Phone: 703-248-5005
Website: https://www.fallschurchva.gov/681/Housing-Human-Services

Fairfax County Residents
Contact: Coordinated Services Planning (CSP)
Phone: 703-222-0880
Website: https://www.fairfaxcounty.gov/neighborhood-community-services/coordinated-services-planning

Loudoun County Residents
Contact: Loudoun County Coordinated Entry System
Phone: 703-777-0420
Website: https://www.loudoun.gov/limitedrentassistance

Prince William County Residents
Contact: Emergency Housing Assistance Program
Phone: 703-792-7538
Website: https://www.pwcgov.org/government/dept/housing/Pages/default.aspx
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 (called a "Pay or Quit" notice) before filing an eviction suit. You do not have to move out after receiving this notice. Under current state law, your landlord must wait at least 14 days after giving you this notice to file an eviction suit. It is a warning that your landlord is planning to take legal action. If you live in a building with more than 4 units, your landlord also cannot evict you without first offering a repayment plan. If you agree to a repayment plan, you may be eligible for assistance from the state or your local jurisdiction to help you make payments.

2 SUMMONS
If you receive a summons, you must appear in court at the date & time specified. 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. For advice on your case or to seek representation contact Legal Services of Northern Virginia at: 703-778-6800.

5 APPEAL PERIOD
If the judge rules in favor of your landlord, you cannot be evicted for at least 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. 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.
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)