

June 24, 2020

Dear Governor Northam:

We write to renew our request that you issue an immediate moratorium on all residential evictions in the Commonwealth of Virginia pursuant to your emergency powers under Section 44-146.17 of the Virginia Code. We appreciate your efforts thus far to pause evictions during this public health crisis, including obtaining an order from the Virginia Supreme Court that briefly suspended all eviction related judicial cases and orders and establishing a modest rent relief fund. Unfortunately, these actions are not enough. To stop mass evictions from happening during the current public health crisis, more must be done, so we are again urging you to issue an executive order prohibiting residential evictions until a fully funded, robust rent relief program has been fully implemented and used to reduce the eviction caseloads in courts across Virginia.

Tenants in Virginia have been facing a constantly changing landscape since mid-March. There are different eviction rules for tenants depending on whether they live in public housing or private rental housing, and whether the rental property in which they live is financed by a federally guaranteed mortgage. Tenants who fell behind on rent because of COVID-related income loss have the right to a 60-day continuance, but only if they appear in court. And those who come to court without a mask or who fall into any one of five COVID-19 high risk categories are not allowed in the courthouse pursuant to the most recent judicial emergency order. Now that the state has dedicated a small amount of CARES Act funds for rent relief, some eligible tenants may be able to avoid evictions by using those funds to pay current rent or rent arrears; but they don't yet know how to access these funds and systems are not in place to enable tenants to access them

Your administration has taken important and helpful steps beginning to formulate a rent relief program. We thank you for that. However, it is not ready. The Department of Housing and Community Development, the very agency attempting to implement this program, requested \$200 Million for this program, even then, knowing that this will likely not be sufficient to truly stem the tide of housing instability in Virginia. This program must be properly funded to be effective – otherwise it will be depleted within a very short period of time, and mass evictions will overtake the courts. Moreover, implementation will take longer than we have before courts reopen. It will take a while to educate tenants and others about the different rules. Local programs administering rent relief need time to do outreach to tenants and landlords, and tenants and landlords need time to apply. It may be late July or August before funds flow into the accounts of landlords and satisfy tenants' rent.

In the meantime, the Virginia Supreme Court has declared all courts can resume hearing unlawful detainer actions and issuing writs of eviction on Monday, June 29th. Thousands of Virginians are defendants in these cases, and face eviction if they are unable to access

rent relief, can't appear in court to request a continuance, or don't know that these and other protections exist. Even if a tenant does everything possible to take advantage of the protections, rent relief may run out before the application is processed, leaving the tenant with insufficient funds to pay the landlord once the 60 days expire. By Labor Day, that tenant, and thousands more similarly situated, could become homeless.

Although mass evictions by late summer are possible, they are not inevitable. By entering an executive order prohibiting evictions until the rent relief program is fully implemented and funded, mass evictions can be avoided. An additional pause on evictions will give tenants time to apply for rent relief and establish realistic payment plans for any unpaid balance. Pausing evictions while funds flow to landlords will also allow landlords time to communicate with the courts and get cases dismissed with no need for any appearances.

We therefore ask once again that you use your broad emergency authority under Virginia Code 44-146.17 to prohibit evictions statewide until rent relief is fully funded and implemented. Only through this action can mass evictions be avoided.

Sincerely,

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