

June 17, 2021
The Honorable Ralph Northam
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

RE: Ensuring Tenants Remain Safe and Housed During the Continuing COVID-19 Pandemic

Dear Governor Northam,

On behalf of the Legal Aid Justice Center (LAJC) and the Virginia Poverty Law Center (VPLC), and in recognition of the ongoing detrimental effects of the COVID-19 pandemic upon low-income communities and communities of color in Virginia, we write to urge you to use your authority to issue an Executive Order to extend the current rent relief and eviction protections approved in the most recent state budget until such time as the General Assembly is able to consider re-enacting these provisions via the upcoming ARPA-centered special session slated for later this summer.

Currently, the relevant state budget language will expire on June 30, 2021, as it is tied to the original March 12, 2020 State of Emergency Declaration issued in response to the COVID-19 pandemic—meaning the following protections will likewise cease:

- Landlords will no longer be required to give tenants notice of available rent relief
- Landlords will no longer be required to apply for rent relief on behalf of their tenants
- Landlords will no longer be required to co-operate with tenant applications for rent relief
- There will no longer be a 45-day waiting period after either tenant or landlord applies for rent relief before landlords can proceed with eviction

These protections were originally enabled for the benefit of tenants and landlords to assure housing stability during this crisis—a **crisis that has not yet ended and will not immediately evaporate come July 1**. Virginia may be characterized by some as “emerging from the pandemic,” but the health, safety, and welfare conditions created and exacerbated by COVID-19 are predominately improving for the families and communities who were already well-positioned to survive such challenges, while low-income communities and communities of color still struggle in their attempts to recover.

For example, our attorneys represented a single mother struggling to keep her family housed. In the spring of 2020, she lost her job at a nursing home after she was exposed to COVID-19 and, although she had been approved from unemployment benefits, she still has not received all of them. Her landlord was at first resistant to applying for rental assistance, but because of the state budget protection requirements he ultimately cooperated on the application. The family’s rent is paid through this month but even though our client is eligible for more rent relief the family’s housing future after June 30 is uncertain. She does not know whether her landlord will cooperate with her application for rental assistance again or whether she would even receive the funds fast enough to stop her eviction.

The statewide data masks the lived experiences of people in communities where disinvestment, racism, un- and under-employment, health disparities, and housing instability combine to fuel the pandemic and its effects. The number of people experiencing homelessness in the Richmond region [rose 53% from January 2020 to January 2021](#)—the largest annual increase on record. The RVA Eviction Lab Quarterly Data Report also shows us the

evictions occurring in Richmond are happening in areas hit hardest by COVID-19: Southside, the East End, and Northside. Additional reporting from the Virginian-Pilot reveals that as of early June this year, [only 29% of Portsmouth and Norfolk residents are vaccinated against COVID-19](#). According to Princeton's Eviction Lab data, Norfolk is still the 6th highest-evicting large city in the nation, while Portsmouth is the 5th highest-evicting mid-sized city. According to the U.S. Census Bureau even now 70% of Virginia's renters fear losing their homes due to eviction in the next two months.

Even beyond health and housing: un- and under-employment issues remain challenging most especially for underpaid workers, and within that group, Black and brown workers—and especially Black and brown women—have been hit hardest by the pandemic's effects. And though some job opportunities may be returning, certain sectors—[childcare](#), food and beverage, and other service industries—are struggling to offer workers a live-able wage (much less a thrive-able wage). [Many of our own clients](#) who come to legal aid with unemployment insurance issues have let us know they are about to or have already lost their homes. Politics may demand that the State of Emergency is over, but good policy demands that we first ask, “over for whom?”

We applaud the decision to maintain the Virginia Rent Relief program beyond June 30th, 2021, when the State of Emergency is slated to end; however, available rent relief funds will do little good without strong policy to ensure both tenants and landlords know and take quick advantage of its availability. A gap in these protections—even the weeks between June 30th and when the General Assembly is able to re-enact those supports—will be disastrous for so many Virginians who are desperately trying to pull themselves out of this crisis. The budget language is narrowly tailored to ensure those struggling to pay rent because of the pandemic can remain safely housed, all while landlords are made 100% whole for their leases.

As Virginia plans for emerging from the most severe challenges of the pandemic, we must avoid the mistakes of the past and meaningfully address the systemic disparities and dysfunction still widely experienced by Black, brown, and economically disadvantaged Virginians in both healthcare and housing. We must acknowledge the ways COVID-19 continues to threaten the health, stability, and security of these communities, and not impose artificial timelines in addressing those concerns.

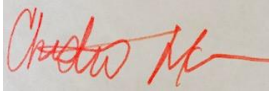
The eviction protections embedded in the current budget should be extended by your office through Executive Order at least until the General Assembly is able to act during the upcoming summer special session through the next budget bill they consider. These protections can still be time-limited but should be measured against the recovery needs of the tenants and communities they are designed to protect. Virginia does not recover from the pandemic until the most vulnerable and most marginalized residents and communities can also claim recovery.

We are available to meet and discuss the issues we have raised in this letter with your office and any other relevant officials, and we will continue to advocate on behalf of our clients and client communities on this matter as the process unfolds.

Sincerely,



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