

KNOW YOUR RIGHTS

EVICITION LAWS FOR TENANTS

Virginia's pandemic-related tenant protections expired at the end of June 2021.

What you can still do to prevent eviction:

- **Remember: Get legal advice as soon as possible.** You may be able to fight your eviction case. You do not have to move out just because your landlord tells you to leave or files an eviction case against you. Always go to your court date if you have one. Your landlord must wait until they win in court and the sheriff has a writ of eviction ordering you to leave the property.
- **Rent relief is still available!** You can apply or ask your landlord to apply for you. Go to dhcd.virginia.gov/rmrp for more info. Apply online or by calling (703) 962-1884. Rent relief is accepting applications for anyone who has fallen behind on rent and lost income or had additional expenses related to the pandemic (such as childcare or utilities) between April 2020 and now.
- **The Center for Disease Control (CDC) says that you cannot be evicted until after July 31st, 2021, if you:**
 - Lost income or had extraordinary medical expenses
 - Earn less than \$99k/year for an individual
 - Would be homeless or living in cramped quarters if evicted, and;
 - Give a signed declaration saying that these things are true to your landlord (go to cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html for the declaration)
- **If your landlord tries to sue you for unpaid rent:**
 - If they own more than four units they must offer you a payment plan, which would prevent eviction as long as you do not fall behind on the payment agreement.
 - Until September 28, 2021, you can still ask for a 60-day extension on your first court date if you lost income due to COVID (VA law HB340), which gives you more time to pay everything you owe to avoid eviction.

If you are behind on your rent or if you have a court date:

- Call Legal Aid (see below)
- If you qualify for the CDC's eviction protections, give the signed declaration to your landlord
- Ask your landlord to apply for rent relief (you can use the sample letter on the reverse side).
 - Keep a copy of the letter and proof that you sent it (proof could be an email or text message, a picture taken of the letter when you signed it, or bringing a friend to the leasing office with you so that the friend can be a witness for you)
- If your landlord does not reply or refuses to apply for rent relief you should apply on your own and, if possible, take a printout of your application with you to court.

ALWAYS GO TO YOUR COURT DATE AND CALL LEGAL AID

Legal Aid Justice Center:

(804) 643-1086 (Richmond) (434) 977-0553 (Charlottesville)

(703) 778-3450 (Falls Church) (804) 862-2205 (Petersburg)

Virginia Eviction Legal Helpline: 1-833-NO-EVICT

 **LEGAL AID**
JUSTICE CENTER

SAMPLE LETTER:

Date: ____/____/____

Landlord's address

Dear _____ (Landlord Name(s)),

I hereby certify that my household has experienced additional expenses or a loss of income due to the declared state of emergency related to COVID-19. I request that you apply for rental assistance from the Virginia Rent Relief Program on behalf of my household. I will cooperate and work with you to apply for rental assistance.

Please be advised that, under Virginia contract law, landlords must mitigate any damages they attempt to recover from a tenant when they allege a tenant has violated the lease. *Hannan v. Dusch*, 154 Va. 356, 377-78 (1930); *Lawrence v. Wirth*, 226 Va. 408, 412 (1983), Va. Code § 55.1-1251. This means that, if a landlord does not make reasonable efforts to avoid damages, their recovery will be reduced by the loss they could have avoided.

Landlords can apply directly to the Virginia Rent Relief Program, and the Program may cover all of the unpaid rent owed by an eligible tenant. Please refer to <https://www.dhcd.virginia.gov/rmrp> for more information.

Respectfully submitted,

Print Tenant Name: _____

Tenant Address: _____

Tenant Phone Number: _____

Tenant E-mail Address: _____