

COVID PROTECTIONS FOR TENANTS

State Eviction Protections Related to the Rent Relief Program Ended on June 30, 2021

Starting July 1, 2021, landlords can take legal action to evict tenants for unpaid rent even if they refuse to cooperate with the Virginia Rent Relief Program (RRP). Landlords do not have to wait for tenants' RRP applications to be approved.

CDC Eviction Moratorium Ended on July 31, 2021.

60-Day Continuance of Eviction Case

If you have lost income at any point during the pandemic and are being sued for unpaid rent, you may have the right to a 60-day continuance of your eviction case. *This will not make your case go away.* It gives you more time to catch up on rent or find new housing. [This option is available until September 28, 2021.](#)

What do I need to do to get the 60-day delay?

1. **Show up to your first court date.**
2. Bring written proof that you lost income between March 12, 2020 and your court date.
 - A paystub showing a loss of earnings;
 - A furlough notification letter from your employer;
 - An 'essential employee status letter' stating that you were 'nonessential'; or
 - A signed affidavit by you stating that you lost wages during this period due to the COVID-19 emergency.
 - [VPLC has an affidavit form here](#) that you can print and complete to take to court with you if you do not have other proof.
3. Ask the judge for a 60-day "continuance".
 - Here is a link to the law you can show the judge if questions about it come up: <https://lis.virginia.gov/cgi-bin/legp604.exe?202+ful+CHAP0049>

A continuance does not make your case go away. It gives you more time to catch up on rent or find new housing.

Rental assistance is available for tenants behind on rent.

To see if you are eligible and to apply online, visit <https://www.dhcd.virginia.gov/rmrp>.

To apply over the phone, call 703-962-1884.

Source of income, or source of funds, became a protected class in the Virginia Fair Housing Law on July 1, 2020. It is unlawful to discriminate against a renter or homebuyer because of any source that lawfully provides funds to or on behalf that person.

Renters and homeowner cannot be discriminated against simply because they have:

- Housing Choice Vouchers (Section 8)
- Social Security Disability Income (SSDI)
- Supplemental Security Income (SSI)
- U.S. Department of Housing and Urban Development-VA Supportive Housing (HUD-VASH)
- Emergency rental assistance from nonprofit entities

- And others

Examples of prohibited discrimination include:

- Housing providers stating “no section 8” in their rental listings.
- A landlord making demeaning comments about whether a tenant deserves their disability benefits.
- Refusing to rent to an otherwise well qualified tenant because of stereotypes about people who receive financial assistance.
- Requiring a tenant with a voucher to earn three times the full market rate rent rather than three times the amount the tenant must pay from their own funds (i.e. the difference between market rate rent and the amount of the voucher.)

Landlords and housing providers do not have to accept every applicant who will pay with a voucher or other lawful source of income. But landlords must treat every applicant the same, which includes looking at credit and rental history, sufficiency of funds, and adhering to a background check. A landlord would not be able to simply deny someone because they will pay with a rent voucher or other lawful alternative incomes.

There are a few exceptions! This anti-discrimination rule does not apply to:

- A landlord who owns 4 or fewer rental units.
- If the source of funds is not approved within 15 days of the tenancy approval request.

If you experience housing discrimination, there are people who can help. The raise a housing discrimination complaint, fill out the form at <https://homeofva.org/fair-housing-complaint-form/>.

What to Do If Your Landlord Gives You An Abandonment Notice

What is an abandonment notice?

An “abandonment notice” is a notice saying that you have abandoned your home and do not live there anymore. Your landlord can give you an abandonment notice if you have been gone from your home for more than seven days without notifying him.

What happens if I receive an abandonment notice?

If you do not contact your landlord in writing within seven days of getting the abandonment notice, the law allows the landlord to act as if you have abandoned your home and the landlord can end your lease without sending you any other notice.

If the landlord sends you an abandonment notice and you don’t send him something in writing telling him that you still live there, your landlord may try to use self-help to evict you.

What should I do if I receive an abandonment notice?

1. Within seven days, give your landlord a written notice stating “I have not abandoned this property. I intend to remain in occupancy.”
2. If your landlord tries to self-help evict you, you can still file a case against your landlord to try to stop the self-help eviction (called an “unlawful exclusion” case). It will be harder for you to win the case because the landlord will claim that you abandoned your home. You will need to show your court evidence that you clearly still live in the property.