

## New Protections for Tenants

(Current as of May 7, 2020)

On April 22, 2020, the Virginia General Assembly passed two important emergency laws to protect tenants impacted by COVID-19:

**60 Day Continuances of Eviction Cases:** Courts in Virginia are not hearing any eviction cases until May 18, 2020. And, if your landlord is covered by the federal CARES Act, your landlord cannot send you an eviction notice until after July 25, 2020. When you do get served with notice of an eviction lawsuit (called a “summons for unlawful detainer”) you can ask the judge to postpone (continue) your case for up to 60 days. You **MUST** go to court on your first hearing date (which you will find on the summons) in order to ask for this continuance. During your 60-day continuance, you should try to work out a payment plan with your landlord. Before talking to your landlord about a payment plan, you should talk to a lawyer or at least read our suggestions on what to include in a payment plan.

**30 Day Stay of Foreclosure Proceedings:** Under the CARES Act, homeowners with a federally guaranteed mortgages affected by the COVID-19 crisis cannot be foreclosed on until after May 18, 2020. They also have the right to a forbearance for up to 180 days, but this simply delays your payments. The new law passed in Virginia last week only applies to homeowners who are **NOT** protected by the federal rule forbidding foreclosures until May 18. These homeowners can postpone foreclosure proceedings for up to 30 days. If you are having trouble paying your mortgage or are facing foreclosure, talk to a lawyer or at least read our information sheet on the rights of homeowners during the COVID-19 crisis.

**Limits on Late Fees for Late Rent Payments:** Another new Virginia law that became effective last week limits late fees to the monthly rent amount or the amount of past due rent you owe, whichever is less. And the landlord can **ONLY** collect late fees if your lease says that you must pay a late fee when your rent is late. If your landlord is covered by the federal CARES Act, he cannot charge you any late fees until after July 25, 2020.

**If you are facing eviction, if your landlord attempts to lock you out without taking you to court, or if you have questions about your rights, contact your local legal aid by calling 1-866-LEGL-AID or get legal advice from the Eviction Legal Helpline by calling 1-833-NoEvict. Visit [VaLegalAid.org](http://VaLegalAid.org) for more information.**