

Status of Evictions as of June 29, 2020

Law/Policy	Dates/ Deadlines	Program information
Federal Moratorium CARES ACT	<p>Started: March 27, 2020, the date the CARES ACT legislation was signed.</p> <p>Extends until July 25, 2020</p> <p>30 day notice after expiration of moratorium August 24, 2020</p>	<ul style="list-style-type: none"> • 120-day moratorium on evictions, late fees and other penalties • Applies to all properties with a federally insured mortgage (Fannie Mae, Freddie Mac, FHA, HUD, VA) and properties participating in a covered housing program, such as the Section 8 voucher program, rural housing voucher program, the Low-Income Housing Tax Credit and properties covered by the Violence Against Women Act. <p>(Note: For properties with Section 8 voucher holder residents, the moratorium applies to voucher holders only, not to all the residents at the property. Also, for properties with a Fannie Mae/Freddie Mac mortgage, this moratorium applies regardless of whether the property opts to partake in the GSE (Gov;t Sponsored Enterprise) mortgage forbearance programs, which have their own eviction moratorium requirements.)</p> <ul style="list-style-type: none"> • Covered property owners are prohibited from providing eviction notices or initiating legal actions to recover possession from residents for nonpayment of rent, fees, or penalties for 120 days. The law also requires property owners to provide eviction notices at least 30 days in advance of the eviction date, which essentially extends the eviction moratorium to 150 days. • Covered property owners also may not charge late fees to any resident. • This moratorium applies to ANY resident who fails to pay their rent, not just those whose incomes have been disrupted by COVID-19. Unfortunately, the way it is written, that currently means the moratorium also applies to residents who simply choose not to pay their rent, which is why communications on this topic should remind residents that the moratoriums are just a pause on the process, not a rent forgiveness mechanism.

		<ul style="list-style-type: none"> This federal moratorium supersedes any state/local eviction moratoria that are shorter or less stringent, namely the many state and local moratoriums that only provide protection to residents who can show an adverse impact from COVID-19. It also does not prevent the enforcement of more protective state/local restrictions.
Federal Moratorium	August 30, 2020	<ul style="list-style-type: none"> To help borrowers and renters who are at risk of losing their home due to the coronavirus national emergency, the Federal Housing Finance Agency (FHFA) announced that Fannie Mae and Freddie Mac (the Enterprises) will extend their single-family moratorium on foreclosures and evictions until at least August 31, 2020. The foreclosure moratorium applies to Enterprise-backed, single-family mortgages only. The current moratorium was set to expire on June 30th.
State Law	<p>60 Day Continuance VA Code § 44-209.</p> <p>Lost income between March 12 and court date</p>	<p>If you lost income due to the COVID-19 pandemic and are being sued for an eviction, you qualify for a delay of your eviction case.</p> <p>Are you eligible to delay your eviction case?</p> <ul style="list-style-type: none"> Did you lose income during the COVID-19 crisis? Do you have a first court date for an eviction case (and “unlawful detainer”) scheduled? <p>If you meet both of those requirements, you may be able to get a 60-day delay in your case.</p> <p>What do I need to do to get the 60-day delay?</p> <ol style="list-style-type: none"> Show up to your first court date Bring written proof that you lost income between March 12 and your court date. <ul style="list-style-type: none"> A paystub showing zero dollars in earnings

		<ul style="list-style-type: none"> ● A furlough notification letter from your employer ● An 'essential employee status letter' stating that you were 'nonessential' ● A signed affidavit by you stating that you lost wages during this period due to the COVID-19 emergency <p>3. Ask the judge for a 60-day "continuance"</p>
Fairfax Court Policy	Virginia Supreme Court order of 6/22/2020	<p>Supreme Court Order states: Effective June 29, 2020, courts may resume hearing all unlawful detainer actions and issuing writs of eviction.</p> <p>Fairfax General District Court Policy Effective July 10, 2020, Fairfax GDC will begin to hear residential unlawful detainer actions. Effective June 29th, Fairfax GDC will begin to issue Writs of Eviction.</p>