



COMMONWEALTH of VIRGINIA

Office of the Governor

Ralph S. Northam
Governor

July 24, 2020

The Honorable Donald W. Lemons
Supreme Court of Virginia
P.O. Box 1315
100 North Ninth Street
Richmond, Virginia 23219-1315

Dear Chief Justice Lemons:

I write to follow up on my June 6, 2020, correspondence requesting that the Court extend and renew the Order of Judicial Emergency suspending unlawful detainer proceedings and writs of eviction for 30 days. At the time, my administration was in the process of establishing a rent relief program to provide targeted financial assistance to households at risk of eviction during the COVID-19 pandemic. I remain appreciative of the Court's willingness to extend the moratorium through June 28, 2020.

My administration launched the rent relief program on June 29, 2020. Since that date, we have worked to provide relief to 1,880 households experiencing economic hardship as a result of the pandemic and processed payments to 467. We prioritized providing funding to those households currently facing an unlawful detainer hearing in order to prevent families from being separated from their homes during the ongoing public health crisis. Further, it must be noted that the rent relief funding is paid directly to the landlord on behalf of the tenants, thereby attempting to ease the financial strain incurred by landlords as a result of the health crisis.

In an effort at further mitigation, I wrote to the Chief Judges of the General District Courts on June 25, 2020, identifying the new rent relief program as a resource. I requested that the Chief Judges delay docketing unlawful detainer actions and writs of eviction for failure to pay rent until July 20, 2020, so that tenants facing such actions are able to seek assistance through the program. We recognize that a substantial number of households facing unlawful detainer actions could be eligible for this assistance.

My administration has continued to track the progress of courts as they docket unlawful detainer proceedings. In the most recent reporting on the schedule of unlawful detainer hearings, over 6,000 hearings will take place across the Commonwealth between July 20, 2020 and August 7, 2020. As I mentioned in my previous correspondence, not all tenants have access to federal or state eviction protections, and many more are either not yet aware or are working to obtain assistance through our rent relief program. Further, many tenants may be ineligible for the rent relief assistance due to federal restrictions.

Unfortunately, the public health impacts of the COVID-19 pandemic are far from over. A growing wave of eviction proceedings is particularly worrisome. There are concerning increases in COVID-19 cases in the Hampton Roads region, as well as spikes in other parts of the Commonwealth. I

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have directed my team to increase enforcement of public health mitigation measures to try to contain the increases in transmission, but the potential eviction of Virginians in such affected areas poses a significant public health threat. In the Hampton Roads Planning District Commission (HRPDC) geographic area alone, there are approximately 1,978 pending unlawful detainer hearings scheduled between July 20 and August 7, 2020.

The rise in COVID-19 cases has dampened the Commonwealth's ability to recover from the economic crisis following in the wake of the pandemic. This economic crisis has exacerbated the financial distress of many households across the Commonwealth, and it will likely increase the number of unlawful detainer actions as Virginians struggle to pay their bills. There remains the distinct threat that the most vulnerable Virginians will be evicted from their homes at a time when our public health crisis is expanding rather than contracting. The need for Virginians to maintain safe, stable housing is vitally important if we are to fight successfully this virus.

Even before the pandemic, my administration worked hard to prevent Virginians from being evicted from their homes. We worked with the General Assembly to pass amendments to House Bill 340, 2020 Acts of Assembly Ch. 1202, to provide a 60-day continuance of an unlawful detainer action for tenants affected by the COVID-19 pandemic. This legislation provided temporary relief for households. Further, I intend to work with the General Assembly when they convene on August 18, 2020, for a special session to develop additional legislative protections for tenants so they may remain safely housed while we are still in the midst of the state of emergency.

In the meantime, I again respectfully request that the Court extend and renew its Order of Judicial Emergency suspending unlawful detainer proceedings and writs of eviction until September 7, 2020. This will provide my administration the time to both work with the General Assembly to develop and pass a legislative package that will provide additional relief to those facing eviction and to expand financial assistance for tenants through our rent relief program.

We are facing an unrepresented public health and economic crisis that will be made immeasurably worse if the rate of evictions increases at the level we expect. Thank you for your consideration of my request. Please do not hesitate to contact my office if you have any questions or concerns.

Sincerely,



Ralph S. Northam