

City of Richmond



LEVAR M. STONEY
MAYOR

July 27, 2020

The Honorable David M. Hicks
Chief Judge
Richmond-Civil General District Court
John Marshall Courts Building
400 North 9th Street
Richmond, VA 23219

Dear Judge Hicks:

On behalf of the City of Richmond, we write to you today to request that you ask the Chief Justice of the Virginia Supreme Court to issue a 60-day moratorium for the City of Richmond that continues to suspend all eviction activity, including the filing and hearing of unlawful detainers and writs of eviction and the issuance of judgments for possession for an additional 60 days.

While we appreciate the efforts of the courts issuing a moratorium on evictions, due to the far-reaching negative socioeconomic impacts families are facing, my concern is that time is still not on our side. Additional time is needed to connect these families and individuals who may be facing eviction or be behind on rent and mortgage payments with the new funding available through the Virginia Rent and Mortgage Relief Program, as well as the \$6 million in CARES Act funding the City of Richmond recently dedicated to eviction diversion support and rental assistance.

We would also request that all judges require landlords to demonstrate that they are exempt from the CARES Act eviction moratorium before they can proceed with the eviction process, as we believe some courts in Virginia are doing. Properties being covered under the federal CARES Act eviction moratorium was in effect until July 25. This federal law prevents landlords from filing new eviction actions against tenants who reside in properties supported by federal housing assistance or federal loan programs for nonpayment of rent before August 26.¹

Under this moratorium, landlords are not allowed to charge late fees, penalties, or other charges related to nonpayment of rent. However, the RVA Eviction Lab has found that 33% of eviction court filings in Richmond are against tenants who live in properties that are covered under the CARES Act moratorium, which indicates that these landlords are not adhering to the rules of the federal moratorium and are unjustly filing for evictions against their tenants. Unfortunately, most tenants may not be aware that their housing unit is covered under the moratorium. If judges require landlords to demonstrate that they are exempt, this will help to ensure the enforcement of federal law regarding evictions and help protect tenants under the law.

¹ <https://www.oag.state.va.us/media-center/news-releases/1760-july-14-2020-herring-outlines-tenant-protections-during-covid-19-pandemic>

City of Richmond



Page 2

The City of Richmond is set to hear 1,451 eviction cases since the most recent statewide moratorium was lifted, the highest number of cases in the state of Virginia. Although Richmond is fortunate to have a funded Eviction Diversion Program, the challenges of the coronavirus pandemic require a significant expansion of our interventions. Standing up these efforts will take additional time, and it's our belief that extending the moratorium on evictions by an additional 60 days will provide us the opportunity to get support systems in place to assist families facing unlawful detainers, but also to proactively support families through rent and mortgage relief to prevent the need for evictions to ever need to be filed, which will significantly reduce the trauma these families experience during these challenging times.

Please feel free to reach out to us if we can be of any assistance as you consider this request, and please let us know if we can assist you with making this case to the Chief Justice.

Sincerely,

Levar M. Stoney
Mayor, City of Richmond

Dr. Cynthia I. Newbille
Richmond City Council President