

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to provide civil relief for citizens of the Commonwealth who are employees or contractors of the*
3 *United States government who have been furloughed or otherwise are or were not receiving wages*
4 *or payments as a result of the partial closure of federal government.*

5 [S 1737]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 1. *§ 1. Notwithstanding any provision of law to the contrary, any tenant as defined in § 55-225.02 or*
9 *55-248.4 who is a defendant in an unlawful detainer for nonpayment of rent pursuant to § 55-248.31 for*
10 *rent due after December 22, 2018, seeking a judgment for the payment of money or possession of the*
11 *premises shall be granted a 30-day continuance of such unlawful detainer action from the initial court*
12 *date if the tenant appears on such court date and provides written proof that he was furloughed or*
13 *otherwise was or is not currently receiving wages or payments as a result of the partial closure of the*
14 *United States government beginning on December 22, 2018, and is (i) an employee of the United States*
15 *government, (ii) an independent contractor for the United States government, or (iii) an employee of a*
16 *company under contract with the United States government. The provisions of this section shall not*
17 *apply if the landlord has filed a material noncompliance notice for a non-rent violation of the rental*
18 *agreement or of the Code of Virginia.*

19 § 2. *Notwithstanding any provision of law to the contrary, any homeowner who, after December 22,*
20 *2018, defaults on a note that is secured by a one-family to four-family residential property located in*
21 *the Commonwealth and is subject to a foreclosure proceeding on any mortgage or to the execution of or*
22 *sale under any deed of trust shall be granted a 30-day stay of such proceeding if the homeowner*
23 *requests a stay and provides written proof to his lender that he was furloughed or otherwise was or is*
24 *not currently receiving wages or payments as a result of the partial closure of the United States*
25 *government beginning on December 22, 2018, and is (i) an employee of the United States government,*
26 *(ii) an independent contractor for the United States government, or (iii) an employee of a company*
27 *under contract with the United States government.*

28 § 3. *Notwithstanding any provision of law to the contrary, any owner who rents a one-family to*
29 *four-family residential dwelling unit located in the Commonwealth to a tenant as defined in § 55-225.02*
30 *or 55-248.4 and who, after December 22, 2018, defaults on a note that is secured by such dwelling unit*
31 *and is subject to a foreclosure proceeding on any mortgage or to the execution of or sale under any*
32 *deed of trust shall be granted a 30-day stay of such proceeding if the owner requests a stay and*
33 *provides written proof to his lender that his tenant was furloughed or otherwise was or is not currently*
34 *receiving wages or payments as a result of the partial closure of the United States government*
35 *beginning on December 22, 2018, and is (i) an employee of the United States government, (ii) an*
36 *independent contractor for the United States government, or (iii) an employee of a company under*
37 *contract with the United States government.*

38 § 4. *As used in this act, "written proof" means (i) a paystub issued by a federal government agency*
39 *showing zero dollars in earnings for a pay period within the period of the partial closure of the United*
40 *States government beginning on December 22, 2018, (ii) a copy of a furlough notification letter or*
41 *essential employee status letter indicating the employee's status as nonessential, or (iii) a letter from a*
42 *company under contract with the United States government issued and signed by an officer or owner of*
43 *the company or by the company's human resources director stating that the employee's not receiving*
44 *payment from the contractor is directly attributable to the partial closure of the United States*
45 *government beginning on December 22, 2018.*

46 2. **That the provisions of this act shall not apply in any instance where a separate, signed legal**
47 **agreement exists between a landlord and tenant or homeowner and mortgage holder to stay legal**
48 **action or defer the filing of an unlawful detainer motion for nonpayment of rent or foreclosure**
49 **proceeding on any mortgage or to the execution of or sale under any deed of trust for a term of**
50 **30 days or greater.**

51 3. **That the provisions of this act shall not affect any other terms of a valid rental agreement or**
52 **note secured by a one-family to four-family residential property, mortgage, or deed of trust.**

53 4. **That the provisions of this act shall expire on September 30, 2019.**

54 5. **That an emergency exists and this act is in force from its passage.**