

# 2020 SPECIAL SESSION I

## SENATE SUBSTITUTE

20201061D

### SENATE BILL NO. 5051

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology  
on August 27, 2020)

(Patron Prior to Substitute—Senator Hashmi)

*A BILL to temporarily prohibit termination of rental agreements and issuance of orders of possession and writs of eviction under certain circumstances.*

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

*1. § 1. That notwithstanding any provision of law to the contrary, no rental agreement shall be terminated pursuant to § 55.1-1245 of the Code of Virginia, no order of possession shall be issued pursuant to § 8.01-126 of the Code of Virginia, and no writ of eviction shall be issued pursuant to § 8.01-470 of the Code of Virginia for any reason until 90 days after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic, unless such action:*

*A. Is in response to a criminal or willful act that is not remediable and that poses a threat to health or safety pursuant to subsection C of § 55.1-1245 of the Code of Virginia;*

*B. Is based on a tenant's nonpayment of rent and a local or state agency administering a rental assistance program has found the tenant ineligible for rental assistance based on an ability to pay rent; or*

*C. Is based on the tenant's nonpayment of rent and:*

*1. The landlord has notified the tenant in writing of (i) the eviction moratorium created by this act; (ii) the name and contact information for a state or local agency administering a rental assistance program; (iii) the availability, terms, and application process for at least one rental assistance program; (iv) the name and contact information for a local agency or nonprofit offering housing counseling services, if any exist; and (v) the statewide legal aid telephone number and website address;*

*2. The landlord has notified a state or local agency administering a rental assistance program of the tenant's nonpayment of rent, need for rental assistance, and contact information;*

*3. The landlord has either (i) applied for available financial assistance that could assist with paying any of the tenant's rent, including any or all of the tenant's past due rent or money due as part of a past due rent payment plan, and promptly communicated to the tenant any requests for documentation needed from the tenant to complete any application for such program or (ii) if the landlord is not eligible to apply for rental assistance for the tenant, provided the tenant all documentation requested by or on behalf of the tenant needed to complete the application; and*

*4. The tenant has refused to (i) apply for rental assistance or (ii) provide the information or documentation needed for the landlord to complete an application for rental assistance, if the landlord is eligible to apply.*

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