

Department of Planning and Budget
2020 Special Session I - Fiscal Impact Statement

1. Bill Number: HB5120

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Jenkins

3. Committee: General Laws

4. Title: Guests of transient lodging facilities impacted by the COVID-19 pandemic; suspending self-help.

5. Summary: Suspends provisions of the Code of Virginia that allow an innkeeper or property owner of a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging to evict a guest using self-help methods during the declared public health emergency related to the COVID-19 pandemic and replaces those provisions with a requirement that guests who demonstrate that their stay is a direct or indirect result of the COVID-19 pandemic only be evicted according to the provisions of the Virginia Residential Landlord and Tenant Act, including the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of eviction issued pursuant to such action. The bill contains an emergency clause.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary.

8. Fiscal Implications: The Department of Housing and Community Development has no oversight or administrative obligations regarding the Virginia Residential Landlord and Tenant Act. The department does update and publish on its website the Landlord Tenant Handbook. Any legislative changes made to the Act will be updated, but the department can do so using current resources.

The introduced budget bill, HB5005/SB5015, includes an enactment clause providing that no landlord shall terminate a tenancy, or take any action to obtain possession of a dwelling unit, for any reason other than those constituting a criminal or willful act posing a threat to health or safety pursuant to subsection C of § 55.1-1245 of the Code of Virginia until after April 30, 2021. Landlords shall notify all tenants of this moratorium and the availability, terms, and application process for the COVID-19 Housing Payment Plan, which is further prescribed in the language. If this language is adopted, any conflict that may exist between its provisions and the provisions of this proposed legislation would default to the adopted budget language.

9. Specific Agency or Political Subdivisions Affected: Department of Housing and Community Development; courts.

10. Technical Amendment Necessary: No.

11. Other Comments: None.