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SENATE BILL NO.1737

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology)

(Patron Prior to Substitute—Senator McPike)

Senate Amendments in [] — February 4, 2019

A BILL to provide civil relief for citizens of the Commonwealth who are employees or contractors of the United States government who have been furloughed or are otherwise not receiving wages or payments as a result of the partial closure of federal government.

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding any provision of law to the contrary, any tenant as defined in § 55-225.02 or 55-248.4 who is the subject of an unlawful detainer for nonpayment of rent pursuant to § 55-248.31 for the payment of money or possession of the premises shall be granted a 30-day stay of such unlawful detainer action if the tenant provides proof that he was furloughed or is otherwise not currently receiving wages or payments as a result of the partial closure of the United States government beginning on December 22, 2018, and is (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government.

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

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

[2. That an emergency exists and this act is in force from its passage.]

[3 2]. That the provisions of this act shall not apply in any instance where a separate, signed legal agreement exists between a landlord and tenant or homeowner and mortgage holder to stay legal action or defer the filing of an unlawful detainer motion for nonpayment of rent or foreclosure proceeding on any mortgage or to the execution of or sale under any deed of trust for a term of 30 days or greater.

[4 3]. That the provisions of this act shall not affect any other terms of a valid rental agreement or note secured by a one-family to four-family residential property, mortgage, or deed of trust.

[5 4]. That the provisions of this act shall expire on September 30, 2019.

ENGROSSED

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