

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to provide civil relief to citizens furloughed or otherwise receiving reduced wages or payments*
3 *due to the state of emergency declared by the Governor in response to the COVID-19 pandemic.*

4 [H 5115]

5 Approved

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

7 **1.** *§ 1. Notwithstanding any provision of law to the contrary, any tenant as defined in § 55.1-1200 of the*
8 *Code of Virginia who is a defendant in an unlawful detainer for nonpayment of rent pursuant to*
9 *§ 55.1-1245 of the Code of Virginia for rent due during the Emergency seeking a judgment for the*
10 *payment of money or possession of the premises shall be granted a 60-day continuance of such unlawful*
11 *detainer action from the initial court date if the tenant appears on such court date and provides written*
12 *proof that he was affected by the Emergency.*

13 *§ 2. Notwithstanding any provision of law to the contrary, any homeowner who, during the*
14 *Emergency, defaults on a note that is secured by a one-family to four-family residential property located*
15 *in the Commonwealth and is subject to a foreclosure proceeding on any mortgage or to the execution of*
16 *or sale under any deed of trust shall be granted a 30-day stay of such proceeding if the homeowner,*
17 *within 90 days of the initial declaration of the Emergency or 90 days following the end of the*
18 *Emergency, whichever is later, requests a stay and provides written proof to his lender that he was*
19 *affected by the Emergency.*

20 *§ 3. Notwithstanding any provision of law to the contrary, any owner who rents a residential*
21 *dwelling unit located in the Commonwealth to a tenant as defined in § 55.1-1200 of the Code of*
22 *Virginia and who, during the Emergency, defaults on a note that is secured by such dwelling unit and is*
23 *subject to a foreclosure proceeding on any mortgage or to the execution of or sale under any deed of*
24 *trust shall be granted a 30-day stay of such proceeding if the owner, within 90 days of the initial*
25 *declaration of the Emergency or 90 days following the end of the Emergency, whichever is later,*
26 *requests a stay and provides written proof to his lender that his tenant was affected by the Emergency.*

27 *§ 4. Homeowners and owners shall be excluded from the provisions of this act if they are subject to*
28 *protection from foreclosure under the provisions of a federal, state, or local law, regulation, or action*
29 *enacted in response to the COVID-19 pandemic or the Emergency.*

30 *§ 5. Any continuance of a stay period provided by this act shall be tolled during the period of any*
31 *judicial emergency declared pursuant to § 17.1-330 of the Code of Virginia due to the Emergency.*

32 *§ 6. The 60-day continuance provided by this act shall run concurrently with any period of eviction*
33 *protection provided by any other state or federal law.*

34 *§ 7. For the purposes of this act:*

35 *"Affected by" means to experience a loss of income, whether partial or complete, from a public or*
36 *private source due to the Emergency, such that the affected party must request a stay or continuance, as*
37 *applicable, by providing written proof to a court or lender, as applicable, stating that as a result of the*
38 *Emergency he is (i) not currently receiving wages or payments or (ii) receiving reduced wages or*
39 *payments from a public or private source.*

40 *"Emergency" means the state of emergency declared by the Governor in response to the COVID-19*
41 *pandemic.*

42 *"Written proof" means (i) a paystub showing reduced earnings for a pay period during the period of*
43 *the Emergency in response to the COVID-19 pandemic, (ii) a copy of a furlough notification letter or*
44 *essential employee status letter indicating the employee's status as nonessential due to the Emergency,*
45 *or (iii) any other documentation deemed appropriate by a court or lender.*

46 **2. That the provisions of this act shall expire 90 days following the end of a state of emergency**
47 **declared by the Governor in response to the COVID-19 pandemic.**

48 **3. That an emergency exists and this act is in force from its passage.**