



# COMMONWEALTH of VIRGINIA

## Office of the Governor

Ralph S. Northam  
Governor

September 3, 2020

The Honorable Donald W. Lemons  
Supreme Court of Virginia  
P.O. Box 1315  
100 North Ninth Street  
Richmond, Virginia 23219-1315

Dear Chief Justice Lemons:

I write to follow up on my July 24, 2020 correspondence requesting that the Court extend and renew the Order of Judicial Emergency suspending unlawful detainer proceedings and writs of eviction until September 7, 2020. I remain sincerely appreciative of the Court's consideration of my request as I recognize that these are very difficult decisions for the Court to weigh. As I have written previously, both the public health and economic impacts of the COVID-19 pandemic are far from over, and that remains the case today.

In my prior letter, I requested this additional time so my administration could expand our statewide rent relief program and so the General Assembly could consider legislation that would provide additional relief to those households facing eviction. We continue to work toward both of these aims.

My administration launched the statewide Rent and Mortgage Relief Program on June 29, 2020. Since that date, we have received or processed more than 4,268 applications for households throughout Virginia that are experiencing economic hardship as a result of the pandemic. We recently modified the terms of the program to now provide financial assistance that will cover one hundred percent of the current month's rent and one hundred percent of past due rent from April 1, 2020 to present. The rent relief funds are provided directly to landlords on behalf of the tenants who are facing financial hardship. The intention of the program is to help to stabilize the rental market and keep Virginians safely in their homes.

In addition, the General Assembly convened a Special Session on August 18, 2020 to consider both a budget bill and a number of pieces of legislation aimed at addressing the impacts of the pandemic. In my introduced budget, which the General Assembly is actively considering, I included language that requires landlords and tenants to first pursue financial assistance through a

The Honorable Donald W. Lemons  
September 3, 2020  
Page 2

payment plan and the rent relief program before initiating an unlawful detainer proceeding. This effort is intended to increase the number of landlords and tenants participating in the rent relief program. It is also intended to balance the goal to keep Virginians safely in their homes while working to ensure that landlords have the financial assistance they need to continue to provide rental housing.

There are a number of additional pieces of legislation that the General Assembly is also currently considering. These pieces of legislation include heightened protections for tenants that are facing eviction. However, it is clear that the General Assembly will not finish its work on either the budget or these legislative provisions by September 7, 2020.

Moreover, following an Executive Order by President Trump, the Centers for Disease Control and Prevention (CDC) used its authority on September 1, 2020 to temporarily halt evictions through the end of 2020 in an effort to slow the spread of COVID-19. The CDC Order provides detail as to the necessity of the federal eviction protections, noting the following:

*In the context of a pandemic, eviction moratoria—like quarantine, isolation, and social distancing—can be an effective public health measure utilized to prevent the spread of communicable disease. Eviction moratoria facilitate self-isolation by people who become ill or who are at risk for severe illness from COVID-19 due to an underlying medical condition.*

The CDC Order halts evictions for individuals who submit to their landlord a declaration certifying that they sought all available government assistance, meet income qualifications, are unable to pay the full rent or housing payment, are using best efforts to make timely partial payments, and are in a position where an eviction would render the individual homeless or force the individual to move into a congregate or shared living setting.

Because this is a new protection, it is not yet clear how the protections and required declaration will be implemented and interpreted. There are individuals who may be evicted in the meantime, including the 2,856 households that had a judgment of possession entered against them between late June and early August. While my Administration works with our federal counterparts to understand the implementation of the new CDC Order, and while we continue to work with the General Assembly on protections that will enable more landlords and tenants to utilize the rent relief funding, I write to seek additional time from this Court.

I recognize that this is a difficult request to place on the Court again, but these are unprecedented times. The issues associated with this pandemic are complex. We will only conquer



The Honorable Donald W. Lemons  
September 3, 2020  
Page 3

the public health crisis when families remain securely housed and are not displaced. Yet it is only when we conquer the public health crisis that we can also overcome the economic crisis that has caused so many families to be in such a precarious financial situation.

Housing remains a bedrock to moving beyond the pandemic and into economic recovery. **It is with these twin aims in mind that I again respectfully request that the Court extend and renew its Order of Judicial Emergency suspending unlawful detainer proceedings and the issuance of writs of eviction until October 1, 2020.** This will provide the additional time needed for the General Assembly to take action to protect vulnerable Virginians from eviction.

Virginians must remain safely housed while we are still in the midst of the state of emergency if we are to truly overcome this pandemic. I cannot thank you enough for your consideration of my request. Please do not hesitate to contact my office if you have any questions or concerns.

Sincerely,



Ralph S. Northam