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2020 SPECIAL SESSION I

CHAPTER 49

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

[H 5115]

Approved November 9, 2020

Be it enacted by the General Assembly of Virginia:

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

Section 2. Notwithstanding any provision of law to the contrary, any homeowner who, during the Emergency, defaults on a note that is secured by a one-family to four-family residential property located in the Commonwealth 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, within 90 days of the initial declaration of the Emergency or 90 days following the end of the Emergency, whichever is later, requests a stay and provides written proof to his lender that he was affected by the Emergency.

Section 3. Notwithstanding any provision of law to the contrary, any owner who rents a residential dwelling unit located in the Commonwealth to a tenant as defined in Section 55.1-1200 of the Code of Virginia and who, during the Emergency, defaults on a note that is secured by such dwelling unit 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 owner, within 90 days of the initial declaration of the Emergency or 90 days following the end of the Emergency, whichever is later, requests a stay and provides written proof to his lender that his tenant was affected by the Emergency.

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

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

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

Section 7. For the purposes of this act:

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

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

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

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

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

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