

## FAQs About Evictions During the COVID-19 Crisis

(Created March 28, 2020)

### **I've heard there aren't any evictions happening right now. Is that true?**

- Until at least April 26, 2020, courts are not hearing any eviction cases and sheriffs are not scheduling or carrying out evictions. It is illegal for a landlord to evict a tenant without a court order and a sheriff's notice.
- If your landlord tries to evict you without a court order and sheriff's notice—by cutting off electricity, heat, or water or by changing the locks—you can call the police for help or you can file a Petition for Relief from Unlawful Exclusion with the court. The court should hear your case soon, possibly by video conference, because it is an emergency.

### **If I'm living in a motel am I protected from eviction during the emergency?**

- If a motel or boarding house is your primary residence and you have been there for more than 90 days or have a lease for more than 90 days, you have the same protections against eviction as other renters. The landlord must get a court order to evict you.

### **But my landlord just sent me a letter saying I have to move in five days if I don't pay all the rent I owe. Is that legal?**

- Even though the courts are not hearing eviction cases now, your landlord can still demand rent and "terminate" your lease if you don't pay.
- When a landlord terminates your lease, it gives him the right to take you to court.

### **Can my landlord still file a court case against me now for nonpayment of rent?**

- Even though the courts aren't hearing eviction cases ("unlawful detainers") now, landlords can still file a case that will be scheduled for later. If you get a summons for an unlawful detainer with a court date in late April or May, don't panic.
- If the Governor says it still isn't safe for people to gather in crowds by your court date, the case will probably be postponed. But check with the court to make sure.

### **I went to court before the COVID-19 emergency and the judge gave my landlord a judgment for possession. Can the landlord still have the sheriff evict me based on that judgment?**

- As long as your landlord once gave you proper notice, he can evict you based on a judgment for possession in the following six months without taking you back to court.

### **I had a sheriff's eviction scheduled in March, but it was cancelled because of the COVID-19 emergency. Does my landlord have to take me back to court to evict me or can he just reschedule the eviction?**

- Your landlord can probably just reschedule the eviction after the crisis is over.
- **Sheriffs should not evict anyone until at least April 26.** If you get an eviction notice from the sheriff before then, call legal aid immediately.

**If you are facing eviction, if your landlord attempts to lock you out without taking you to court, or if you have questions about your rights, contact your local legal aid by calling 1-866-LEGL-AID or get legal advice from the Eviction Legal Helpline by calling 1-833-NoEvict. Visit [VaLegalAid.org](http://VaLegalAid.org) for more information.**