

I'VE LOST INCOME BECAUSE OF COVID-19. HOW CAN I GET A DELAY IN MY EVICTION CASE?

In April 2020, Virginia passed emergency measures to help tenants who have lost income during the COVID-19 emergency and are being sued for eviction based on unpaid rent. Because of that, many tenants may be able to get a 60-day delay in their court case.

Are you eligible to delay your eviction case?

- Did you lose income between March 12 and June 10, 2020?
- Do you have a first court date for an eviction case (and “unlawful detainer”) scheduled for September 10 or earlier?

If you meet both of those requirements, you may be able to get a 60-day delay in your case.

What do I need to do to get the 60-day delay?

1. Show up to your first court date
2. Bring written proof that you lost income between March 12 and June 10
 - A paystub showing zero dollars in earnings
 - A furlough notification letter from your employer
 - An ‘essential employee status letter’ stating that you were ‘nonessential’
 - A signed affidavit by you stating that you lost wages during this period due to the COVID-19 emergency
 - VPLC has an affidavit form attached that you can print and complete to take to court with you if you do not have other proof.
3. Ask the judge for a 60-day “continuance”

Are there other laws that can protect me from eviction during this crisis?

Depending on your situation or the property you live in, you may be eligible for other protections from eviction. For example, if you live in federally subsidized housing or in a property with a federally backed mortgage, the federal CARES Act protects you from eviction for unpaid rent until August 25.

For free information and legal advice from an attorney about your case, call the Eviction Legal Helpline (833-NoEvict) or your legal aid office (866-LEGLAID).

AFFIDAVIT OF LOSS OF INCOME DURING COVID-19 EMERGENCY

This affidavit is executed in support of my request for a sixty-day continuance of my unlawful detainer case, pursuant to the emergency provisions of Virginia House Bill 340 (Acts 2020, c. 1202), Virginia Code s 44-209, enacted April 22, 2020. It is presented as written proof that I (the Affiant) have “experience[d] a loss of income from a public or private source due to the [COVID-19] Emergency, such that the affected party must request a stay or continuance.” Other written proof of my loss of income, such as “a paystub showing zero dollars in earnings for a pay period within the period for which the Governor has declared a state of emergency” or “a copy of a furlough notification letter or essential employee status letter indicating the employee's status as nonessential due to the Emergency,” is unavailable.

My source of income is or was: _____

The name of my employer (if applicable) is or was: _____

My hours or income have been reduced by this amount: _____

The date my income changed was: _____

I do hereby affirm that the above information is true and accurate to the best of my knowledge.

Case Number: _____ First Court Date: _____

First Name: _____ Last Name: _____

Signature: _____

Date: _____

INSTRUCTIONS:

AFFIDAVIT OF LOSS OF INCOME DURING COVID-19 EMERGENCY

If you have one of these documents showing your loss of income during the COVID-19 emergency, you should bring them to the first court date with you and show them to the judge as written proof of your loss of income:

- A paystub showing zero dollars in earnings for a pay period between March 12 and June 10, 2020.
- A copy of a furlough notification letter or essential employee status letter for the period between March 12 and June 10, 2020, indicating the employee's (your) status as nonessential due to the COVID-19 emergency.

If you lost income during the COVID-19 emergency but do not have one of those two types of documents, you may complete this affidavit as proof of your loss of income.

Here is an example of how to fill in the necessary spaces on the form with your information

My source of income is or was: driving for Uber & childcare

The name of my employer (if applicable) is or was: Uber & self-employed

My hours or income have been reduced by this amount: \$800 per week

The date my income changed was: April 1, 2020

Case Number: GV2000007561 First Court Date: 7/25/2020

First Name: Jonathan Q. Last Name: Public

Signature: Jonathan Q Public

Date: 7/24/2020