

Hello Neighbor!

We are a group tenants & neighbors doing court support for evictions. We want to share some information that might help.

According to court records, there has been an eviction case filed against you. Due to the current eviction moratorium in VA, not all eviction cases have been rescheduled. The moratorium ends on June 28th. It may or may not be extended. To check on your hearing date, call the General District Court clerk's office at 804-646-6461.

PAPERWORK YOU SHOULD HAVE RECEIVED BEFORE YOUR COURT DATE:

1. Written Eviction Notice: If your eviction is about unpaid rent, your landlord should have given you a "5 day notice to pay rent or quit." This is a notice that you have 5 days to either pay rent owed or move out of the rental unit. You do not have to move out. If you don't pay rent in 5 days, the landlord can then go to court and file an eviction lawsuit (called an "unlawful detainer") against you.

If your landlord says you have violated the lease for reasons other than owed rent, they must give you a different notice called a "21/30-day notice." This notice will say that if you don't correct the violation within 21 days, then the lease will terminate in 30 days after the date of the written notice. You do not have to move- but the landlord will have to go to court and file an eviction case when 30 days have passed.

2. Court Summons: After the 5 days in the pay or quit notice have passed, your landlord can file an eviction lawsuit in court. You should receive a "summons for unlawful detainer" with the General District Court. The summons will include the date and time of your court hearing.

AT THE COURTHOUSE:

It is very important that you show up on time for your court hearing. If you do not show up on time, your landlord will automatically win the lawsuit against you and you will get evicted. If you are afraid to go to Court for fear of catching Covid-19, you can call the clerk and ask that your case be done as a "remote hearing." You will be able to appear before the judge by telephone or using a computer.

60-day continuance for COVID-19 loss of income: If you are in court for an unpaid rent eviction, and you can prove that you lost income because of the COVID-19 emergency, you can get your court hearing postponed for 60 days. You have to ask the judge for a "sixty day continuance." Bring to court any paperwork you have that proves your income loss. If the judge grants your request, you'll have sixty more days to plan your defense, and you get to stay in your home the whole time.

Before the Judge: The judge will ask if you owe the rent. **DO NOT SAY YES, DO NOT ADMIT TO OWING ANY RENT.** Once you admit to owing rent, the judge will rule against you and order you to move out. Instead, disagree with what your landlord says and ask for a trial. Instead of admitting you owe rent, say the following:

"I disagree with the charges. I do not understand them. I have paid rent."

"I want a trial."

"I want a Bill of Particulars (with date it is due)." (*a Bill of Particulars is a detailed, written statement of claims listing why your landlord has taken you to court.*)

DO NOT SAY YES. SAY NOTHING ELSE. DO NOT ARGUE WITH THE JUDGE.

CARES ACT EVICTION FREEZE:

Some buildings are protected under the CARES Act. These include public housing, other kinds of low income housing, & buildings with federally-financed mortgages. The CARES Act prohibits the filing of eviction cases until July 25, 2020. If your landlord has filed an eviction case but your property is covered by the CARES Act, the judge should dismiss the case.

It is illegal for your landlord to try to evict you by force, or by changing locks, cutting utilities, or other forms of harassment. **YOU CAN NOT BE EVICTED UNTIL YOU HAVE LOST YOUR CASE BEFORE A JUDGE IN COURT.**

Resources & Help:

Central Virginia Legal Aid Society – CVLAS.org/apply-for-help-online (804) 648-1012

Legal Aid Justice Center – justice4all.org (804) 643-1086

Virginia Poverty Law Center – vplc.org Eviction Help-Line: 1-833-NoEvict

Information on the 60 day continuance – tinyurl.com/60dayContinue

Check if you are covered by CARES Act – <https://nlihc.org/federal-moratoriums>

(NOTE: This list is not complete and there is no complete list of properties covered by the CARES Act).

Who We Are:

Richmond Tenants Union is a citywide network of renters and neighbors that work together to collectively improve living conditions in their buildings and neighborhoods. We fight against slumlords and real estate corporations, in order to build a city that works to guarantee safe, decent, and affordable housing. If you would like to get involved in the long-term work to overcome the fear and isolation of housing instability and demand dignity and respect for ourselves and our neighbors, please reach out to us.

Instagram/Twitter: @RichmondTenants

Email: RichmondTenantsUnion@riseup.net

Website: <https://richmondtenantsunion.org/>

Phone: 804-219-9424

Disclaimer: We are not attorneys, and this is not legal advice for your specific case. This is general legal information for tenants, provided to us by attorneys. See the “Resources and Help” section to contact attorneys and ask for legal advice.

This document was created in collaboration with the Legal Aid Justice Center, Richmond Strike, and Virginia Poverty Law Center.