



New Laws Took Effect July 1, 2019

1. Require written leases. A landlord is now required to offer a written lease. If a written lease is not offered then certain legal protections will take effect, reference VRLTA.
2. File one UD at a time for nonpayment of rent. Judges will be required to allow an original UD to be amended to include any monies owed. A second UD may be filed for any other lease violation but NOT a 2nd UD (while the original is in process) for nonpayment of rent. This bill was drafted so that a resident's profile, when returned by a screening company, will not show multiple UDs for one court date. VAMA was able to add to this bill and amend the language regarding UD hearings from 21 days or as soon as is practicable to "21 days but in no event later than 30 days after filing"
3. Extension of right of redemption timeframe. The timeframe to pay all monies owed and exercise a one time right of redemption is extended to 48 hours before eviction.
4. Appeal Bond process changes. After an order of possession is issued by the court a resident has 10 days to appeal. Now, a resident must only pay what is outstanding and the current rent as it becomes due.
5. Return of unexecuted writs of possession to the courts. Now, sheriffs must notify the courts and return the unexecuted eviction to the court system so that the courts can track the fact that while a resident may have lost their UD case, they were not actually evicted.
6. Changes to the length of time a writ of possession remains valid: Orders of Possession will last 180 days now. A new phrase, Writ of Eviction was also created. After an order of Possession is issued by the court, a manager will then request a writ of eviction. This writ of eviction will be sent to the Sheriff to be executed. Any unexecuted writ of eviction will be returned to the courts after 30 days, effectively canceling the eviction. Managers have the right to request a new writ of eviction anytime during the 180 day period.
7. Pilot/Test Eviction Diversion Program to be enacted in 2020. VAMA knows that members do their best to stay out of court and work with residents that come in and make payment arrangements. Not all property owners spend time working with residents, however, therefore an eviction diversion pilot/test program is desired by the Governor and some legislators. In fact, the Governor stated that an eviction diversion program is one of his top priorities. If the Housing Commission does not develop this program, it is likely that the Governor will enact a program without any industry feedback by executive order.

In light of this political climate, VAMA worked diligently to find common ground with tenant advocates and develop a program that matches what conscientious, ethical companies are already doing.

Below is a synopsis, in broad strokes, of an eviction diversion program to which VAMA can agree. There are still meetings taking place and VAMA will present our version of this bill to the full VA Housing Commission at its next meeting which is currently scheduled for December 21, in Richmond:

- The program will not take effect until 2020 and will only be put in place in 4 test cities. The program will also expire in 2023 unless the General Assembly reenacts it.
- A resident must show up in court and ask to utilize the program
- A resident must swear that they have sufficient funds to make payments
- Property managers will have the opportunity to object to a resident being placed in the program if the resident has a poor payment history
- **If the resident is accepted into the diversion program they will have to bring 25% of the outstanding balance to court and will then have 3 months to pay the remaining balance. The resident must also make their regular rent payments on time.**
- If the resident misses a payment, property managers contact the courts and an order of possession is automatically issued without the need to return to court. This system is much better than making those constant calls asking a resident when their catch-up payments will make it into the office.

Questions? Call VAMA at (804) 756-8262 and ask for Patrick!