Housing advocates are calling for a statewide eviction freeze as courts begin hearing cases again. (Photo: Crixell Matthews/VPM)

Virginia housing advocates are asking the governor to freeze evictions statewide, in an effort to keep people in their homes and prevent the spread of COVID-19. This comes after the state Supreme Court denied their request...
Attorneys with the Virginia Poverty Law Center and Central Virginia Legal Aid Society argued that a lack of clear guidance to courts and tenants could lead to wrongful evictions.

They requested the courts implement case screening procedures and for advisories to be sent to tenants before hearing eviction cases. These would include instructions for judges on how to move forward with cases with certain eviction exemptions, and advance notice to tenants on courthouse safety restrictions and instructions on how to request virtual hearings.

“If you open up your court system in a haphazard way, as has been done now, there are not only safety problems but just basic due process problems,” VPLC Director of Litigation Steve Fischbach said. “People don’t even know what the rules are because no one is communicating them.”

The state Supreme Court outlined the state and federal laws protecting select cases, but advocates said the higher court didn’t make the effort to explain tenants their rights.

In a rejection letter issued this week, the state Supreme Court said that the outlined concerns were “insufficient,” and didn’t warrant a delay to all non-emergency evictions in the Petersburg area. Attorneys made a similar request of Lynchburg courts, but have not received a response.

The law center and 20 Virginia lawmakers, including Del. Marcia Price (D-Newport News) and Sen. Jennifer McClellan
(D-Richmond), sent a letter to Gov. Northam on Thursday urging him to issue a statewide eviction freeze.

Christie Marra, director of housing advocacy with VPLC, said without this level of protection for tenants, many could end up on the street.

“Right now it poses an increased public health risk,” Marra said. “The worst thing we could do right now is allow these, you know, potentially thousands of evictions to occur.”

The letter to Northam stressed the state’s overburdened homeless services system. It said that if evictions are allowed to continue, the system wouldn’t be able to handle the influx in need and there would, “Simply be nowhere for them to go.”

While there’s no blanket ban on evictions in Virginia, there is a federal moratorium that applies to anyone living in public or subsidized housing, or homeowners with federally-backed mortgages like Fannie Mae and Freddie Mac — and their renters.

“I think one of the things that we want to emphasize is the importance of treating all tenants equally,” Marra said. “I think it's important from a public health perspective and I think it's important from an equity perspective.”

In their request to Northam, advocates ask that the statewide freeze go into immediate effect and cover all evictions through at least September or until the end of the federal freeze — which is currently July 25.

There have been talks of a statewide freeze since the early days of the pandemic. But Marra said there was a question
of how far the governor’s powers extended — until now.

“The Virginia code gives [Gov. Northam] the authority to make rules regulating goods, services and commodities,” Marra said. “Housing is generally treated as a good or a commodity, regardless of whether it's rental housing or housing that you own. And so I think that provision gives him the authority to regulate evictions.”

Marra says during an emergency, another section of Virginia's code gives the state’s health commissioner the power to make any call necessary to preserve public safety if “the order of quarantine designates an affected area instead of a specific person or persons”.

“The governor can turn to Commissioner Oliver and have him issue an order stopping evictions as part of the overall quarantine and isolation required to contain COVID-19,” Marra said.

Dr. Norman Oliver, the Virginia Department of Health commissioner, exercised similar powers a few weeks ago. He issued an order for the City of Petersburg to reconnect residents’ water after shutting off the public utility to hundreds of households, stating that handwashing can be crucial to lessening the transmission of the disease.