Tenant protections spurred by COVID-19 pandemic could become permanent under Price bill

Mark Robinson
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Anti-eviction demonstrators protested outside the Science Museum of Virginia on West Broad Street in Richmond in August while the state Senate was in session there.

ALEXA WELCH EDLUND/TIMES-DISPATCH

A Virginia House of Delegates committee is set to weigh Tuesday whether tenant protections established because of the COVID-19 pandemic should be permanent.
HB 1889 would require landlords who own five or more units to offer payment plans to renters who fall behind. The bill, carried by Del. Cia Price, D-Newport News, would also require landlords to issue a 14-day, rather than a five-day, notice before pursuing an eviction, in what advocates say is a crucial change for households living paycheck to paycheck.

“It’s the difference between whether or not you get another paycheck before your landlord can take you to court,” said Christie Marra, director of housing advocacy for the Virginia Poverty Law Center. “That’s a big deal.”

Thousands around the state remain at risk of eviction as COVID-19 cases have climbed and deaths from the disease have mounted. Upon taking office, President Joe Biden extended through March a federal moratorium on evictions for nonpayment that was set to expire at the end of the month. But the federal freeze is not a blanket ban; tenants must take steps to avoid eviction under it.

In a special session last year, the Virginia General Assembly approved stronger state protections for renters in an effort to help those who were struggling to stay in their housing. Price’s bill would continue the protections, which would otherwise expire on July 1.

Her measure cleared a House subcommittee last week despite opposition from the Virginia Apartment Management Association.

Brian Gordon, a VAMA lobbyist, told the subcommittee VAMA did not object to payment plans to keep families housed during the pandemic. However, so far, tenants who have agreed to the plans have struggled to stay current on installment payments on top of rent payments, he said.

The organization’s membership, of 325 property managers, reported tenants fell behind on their installment payments about 60% of the time, Gordon said. That could lead to higher monetary judgments against tenants if they do not get caught up, he said. If taken advantage of, the bill could make it easier for tenants who do not want to pay rent to duck consequences at the expense of their landlords, he said.
In advance of the meeting, VAMA circulated a timeline purporting to show how renters could use the provisions in Price’s bill and other protections to avoid paying rent and eviction for as long as 8½ months.

“We’re talking seven to eight months that you can go into a 12-month lease term without paying a single time,” Gordon told the subcommittee.

Price called the VAMA timeline “artificial” and said hypothetical scenarios posed by opponents of the payment plans were off-base.

“When I hear the actual lived experiences from folks who have reached out to me, tenants who are experiencing this, they haven’t been gaming the system,” Price said. “They’ve been able to use a tool in order to provide more time so they don’t become homeless.”

Marty Wegbreit, director of litigation at the Central Virginia Legal Aid Society, said the timeline depicted a “worst-case scenario if everybody is dilatory and does things as slowly as humanly possible.”

If a tenant missed a payment under the agreed provisions of their plan, a landlord could still take them to court that month, he said.

“[A payment plan] simply offers them an opportunity to get back on track and have a win-win situation for both tenant and landlord,” he said. “The landlord gets paid in full, and the tenant gets to stay sheltered and safe.”

“Certainly the old system with high evictions led to a lot of people being put out of their homes and a lot of judgments that never got collected. That harms both parties. Putting pay-and-stay before owe-and-go helps both parties.”

Another bill Price is carrying, HB 2014, would eliminate a cap on the number of times a tenant can invoke their “right of redemption.”
The rule allows a renter to keep their apartment if they can pay all costs associated with an eviction judgment in advance of the sheriff’s office executing a writ of eviction. Under current state law, a tenant can use their right of redemption only once per 12 months.

The House’s General Laws committee is scheduled to weigh the payment plan bill when it meets Tuesday, Price said. HB 2014 is due for consideration by the General Laws Housing/Consumer Protection Subcommittee on Thursday.

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