

# STOPPING AN EVICTION DURING COVID

## What if I lost my job or had loss of income due to COVID, can I get a delay?

Tell the Judge and bring proof to court that you lost your job; a pay stub, letter from your employer or unemployment documents. Ask for a 60 day delay at court.

## Can I pay what I owe after a court judgment.

You can pay the rent, late fees, attorney fees and court costs **to the court** up until the day the sheriff delivers the “writ of eviction.” (A minimum 10 days after court but maybe longer). You can do this once every 12 months. This is **Extended Redemption**.

## Who should I pay to stop the eviction?

You may pay your landlord, your landlord’s lawyer, or the court. Get a receipt, take it to court and ask the judge to *dismiss* your case. Even if you pay everything you owe before the hearing, and the landlord says you don’t have to go, you should still go to the court hearing.

## What if I can pay *some* of what I owe, but not all?

You may still be able to stop the eviction. Ask a local government or non-profit agency for help. Many agencies are willing to give you a letter to take to the first court date (called the “return date”). The letter says the agency will help pay the rent due, late fees, court costs, and attorney fees. This is called a “redemption tender.”

You can give the letter to the court before or at your hearing. The court must then continue (postpone) the hearing for 10 days. That gives time for you and the agency to pay the landlord.

- If the money is **paid in full** within those 10 days, the court will dismiss the case and you can stay in your rental unit.
- If the money is **NOT paid in full** within those 10 days, the landlord will win. The judge will give a judgment to the landlord for possession of your rental unit, plus a judgment for all the money owed.

You can only redeem or use a redemption tender once every 12 months at the same residence.

## Need assistance to pay in the Lynchburg Area?

Call Lynchburg Community Action: 455-1601

Interfaith Outreach: 846-6098

Coordinated Intake: 455-5722

## I’ve heard about an eviction moratorium, what is that?

The federal CARES Act (stimulus bill) has stopped all eviction filings AND non-payment notices for any federally-related housing, until at least July 25, 2020.

“Federally-related” means if you have a Section 8 voucher, have subsidized rent or your landlord has a mortgage related in any way to federal support or insurance.

A list of some of these federal complexes can be found at: [nlihc.org/federal-moratoriums](https://nlihc.org/federal-moratoriums)

## What if the trial goes forward and I disagree with the court’s decision?

There are 2 ways you may be able to ask the court to reconsider your case:

- An appeal, or
- A new trial.

## Appeal

You can ask for an appeal if you think the court made the wrong decision about your case. But appeals are difficult. You must pay an appeal

bond and court costs. The bond is usually the amount of the judgment against you. You must also pay ongoing rent as it becomes due. If you do not pay these amounts, the court will not hear your appeal.

**Deadline:** You have **10 days** to file your appeal and pay the appeal bond after the court's judgment was entered.

## New Trial

In some cases, you may be able to ask for a new hearing. For example, you can do this if you were not served correctly or you have new evidence that was not available at the first hearing. The court will decide if you qualify for a new trial. To ask for a new trial, you must file a *Motion for New Trial*.

(over)

**Deadline:** You have **30 days** after the judgment to file the Motion.

## What is a Writ of Eviction?

A Writ of Eviction lists the date and time after which you can be evicted. The Sheriff must personally serve the Writ to your home at least **72 hours** before the date and time listed for the eviction.

## What happens when the actual eviction time comes?

Usually the Sheriff comes and lets you take a few personal belongings and then makes you leave. Then the Sheriff or landlord will change the locks.

You will have 24 hours to contact the landlord to go back to your unit and get the rest of your belongings. If you do not remove your belongings within 24 hours, the landlord may legally throw them away.

## Can I stop the eviction after getting the Writ of Eviction?

There are only 3 ways to stop the eviction at this point.

1. **Extended Redemption:** 2 business days before the scheduled eviction, you pay all

amounts owed (rent, late fees, damages or other charges, court costs, attorney fees) including a new month's rent if it has come due. You can pay the landlord or the Court. You can only do this only once every 12 months at the same residence.

2. If your landlord accepted your rent payment at any point in the eviction process but **NEVER** gave you a written notice that it was accepted *with reservation*, you may be able to stop the eviction. Get legal help right away!
3. If you and your landlord make a *new* rental agreement *after* the court's decision to evict you (the judgment of possession), you may be able to stop the eviction.

Examples of a new rental agreement include:

- A new lease signed by you and your landlord,
- A new eviction Notice from your landlord not about non-payment of rent, or
- Your landlord accepts your rent payment for a new rental period *before* the rent is due.

Even if any of these things happen, check with your landlord and the Sheriff to make sure the eviction has been cancelled. If it is not cancelled, get legal help right away!

## Can a landlord lock me out or shut off my utilities?

Landlords may **not** lock tenants out of their unit or shut off their utilities without getting a court order of eviction *first*. Even if your landlord (or lease) says they can do this, it is against the law.

## Free Legal Information



Online: [www.vlas.org](http://www.vlas.org)

Phone: 866-LegalAid (534-5243)