



*COMMONWEALTH of VIRGINIA*  
*Office of the Governor*

Ralph S. Northam  
Governor

June 7, 2020

The Honorable Donald W. Lemons  
Supreme Court of Virginia  
P.O. Box 1315  
100 North Ninth Street  
Richmond, Virginia 23219-1315

Dear Chief Justice Lemons,

I write to follow-up on my prior correspondence on March 16, 2020 requesting a declaration of judicial emergency in all district and circuit courts of the Commonwealth of Virginia, pursuant to Va. Code § 17.1-330. I remain appreciative of your swift response through issuance of an Order Declaring a Judicial Emergency in Response to COVID-19 Emergency.

In that Order, you noted “[a] state of emergency exists in the Commonwealth of Virginia and efforts of the executive branch are underway to continue to prepare and coordinate its response to the potential spread of COVID-19, a communicable disease of public health threat.” Since that time, my administration has worked to implement a variety of public health mitigation measures to curtail the spread of the COVID-19 pandemic in the Commonwealth, protect our health care workers, and protect all Virginians, including those most vulnerable.

I appreciate your willingness to extend your Emergency Order on four separate occasions due to the significant and ongoing threat of COVID-19. I also recognize that the court system faces a tremendous backlog of non-emergency cases that continues to build. Per your Fourth Order Modifying and Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency, courts may begin to address this backlog and hear non-emergency proceedings provided they meet the comprehensive guidance you set forth to ensure that courts operate safely and minimize the risk of COVID-19 transmission during in-person proceedings.

My administration has tracked the progress of courts as they begin to docket non-emergency proceedings with a particular focus on unlawful detainer proceedings. As the Commonwealth transitions from a “Stay at Home” requirement to a “Safer at Home” strategy, the need for Virginians to maintain safe, stable housing is as important as ever.

Section 4024 of the CARES Act provides some protections for tenants by preventing a property owner that receives a federal subsidy or has a federally backed mortgage loan from filing for eviction against a tenant who cannot pay rent for a period of 120 days. I also signed legislation that the General Assembly passed during the 2020 Reconvene Session providing tenants with the opportunity to seek a 60-day continuance of an unlawful detainer action if the tenant appears in court and provides written proof that the tenant has lost income during the COVID-19 pandemic.

However, not all tenants have access to these federal or state eviction protections. A subset of tenants, including those who are most vulnerable, may be evicted from their homes in the midst of this global pandemic. To that end, my Administration is working to establish a comprehensive rent relief program that will provide targeted financial assistance to households still at risk of eviction during the pandemic.

The program will be complementary to the important work that the Executive Secretary of the Supreme Court of Virginia is undertaking in establishing an Eviction Diversion Pilot Program pursuant to Va. Code § 55.1-1260. The two programs have shared goals, including reducing the number of evictions of low-income persons for the failure to pay small amounts of money and reducing the displacement of families, with resulting adverse consequences to children. The programs will also enable facilitation between landlords and tenants so they may enter into a reasonable payment plan.

The Commonwealth's comprehensive rent relief program will be deployed in partnership with our current statewide networks, including the Continuum of Care and Community Action Agencies. However, this program is still under development, and similar to the Eviction Diversion Pilot Program, will not be in place until after July 1, 2020. In the meantime, thousands of unlawful detainer proceedings may move forward over the next month.

I respectfully request that you extend and renew your Emergency Order to suspend unlawful detainer proceedings for a period of 30 days to provide both landlord and tenants with the benefit of the eviction prevention and diversion programs. This will allow the Commonwealth the time to implement our comprehensive rent relief program and will relieve the public health risk associated with evicting Virginians from their place of residence.

Virginia is seeing positive signs from implementation of our public health mitigation measures, but I know that the impacts of COVID-19 are far from over. Thank you for your consideration of my request. Please do not hesitate to contact my office if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph S. Northam". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ralph S. Northam