

VIRGINIA:

IN THE GENERAL DISTRICT COURTS FOR THE CITY OF ROANOKE,
COUNTY OF ROANOKE AND CITY OF SALEM

IN RE: ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY
IN RESPONSE TO THE COVID -19 EMERGENCY THROUGH **July 19, 2020**

These Courts entered an ORDER on March 16, 2020 to address emergency declarations of the President of the United States and the Governor of the Commonwealth of Virginia concerning the health and safety of our citizens,

And the Supreme Court of Virginia by ORDER entered on March 16, 2020, declared a state of judicial emergency in all district and circuit courts of the Commonwealth of Virginia and by orders entered on March 27, 2020, April 20, 2020, May 6, 2020 and June 22, 2020 extended the judicial emergency through April 26, 2020, May 17, 2020, June 7, 2020, June 28, 2020 and July 19, 2020 respectively,

And these Courts entered Orders on March 16, 2020 (First Order) and March 30, 2020 (Second Order) and April 10, 2020 (Third Order), April 23, 2020 (Fourth Order) and May 15, 2020 (Fifth Order) to address the state of judicial emergency declared by the Supreme Court of Virginia and to clarify these Courts' response to said emergency;

Pursuant to ORDERS extending the Declaration of Judicial Emergency from March 16, 2020 to July 19, 2020, it is ORDERED that:

1. The provisions of these Courts' First, Second, Third, Fourth and Fifth ORDERS as amended and clarified shall continue in full force and effect until July 19, 2020;
2. These courts shall continue to prioritize emergency matters including, but not limited to quarantine or isolation matters, criminal arraignments, bail reviews, protective order cases, civil commitment hearings, motions for exemption from garnishment, impoundment hearings, and motions to stay.

3. Beginning May 18, 2020 consistent with the Order of the Supreme Court of Virginia, these courts shall begin conducting in person non-emergency hearings complying with the guidelines established by the Office of the Executive Secretary and approved by the Chief Justice of the Supreme Court of Virginia. The judges of these courts have reviewed said guidelines which are entitled *Pandemic Continuity of Operations Planning: Reconstitution Guide to Transitioning from Emergency to Routine Operations* (Recovery Guide). The judges of these courts have discussed the provisions of the Recovery Guide with the Sheriffs and their designees, Commonwealth Attorneys and their designees, Clerks, and maintenance personnel in the jurisdictions where each judge presides to ensure the guidelines are met so as to minimize the risk of the spread of COVID-19 from in person court proceedings;
4. As expressly provided by the Supreme Court of Virginia in its ORDER of May 6, 2020, these courts will conduct as much business as possible by means other than in person proceedings. In all civil and criminal matters, these courts will continue and increase the use of video conferencing, telephone, teleconferencing, email, or other means that do not involve in person contact using a secure communication platform such as Polycom or WebEx, or by telephone subject to the agreement of all parties to the litigation. Requests to participate by telephone should be liberally granted.
5. The Clerk's offices shall be open by appointment only until July 19, 2020 or further order of these courts;
6. All filings that can be done electronically including pleadings, orders and other documents that are electronically signed shall be received by these courts and appropriately scheduled with notice to the parties;
7. Pursuant to the provisions of the **Coronavirus Aid, Relief, and Economic Security Act** or **CARES Act 2020**, these courts shall not issue Writs of **Eviction on certain properties** which are encumbered by federally backed mortgage or multifamily mortgage loans issued by the Department of Veterans Affairs (VA), the Department of Agriculture (USDA), the Federal Housing Administration (FHA), the Department of Housing and Urban Development (HUD), Fannie Mae or Freddie Mac; OR **occupied by a resident who participates in a covered federal or state housing program**

or the rural housing voucher program **until July 25, 2020** and this date may be extended for 30 days upon motion of the tenant;

8. Pursuant to **Virginia Code Section 44-209** and the provisions of the **CARES Act 2020**, these courts shall grant the tenant who appears in person on the return date of the unlawful detainer AND provides written proof that he/she was furloughed or otherwise was or is not currently receiving wages as the result of a closure of his/her place of employment a 60 day continuance;
9. Effective June 29, 2020, these courts shall enter Writs of Eviction on properties not subject to the CARES Act 2020 in accordance with Virginia law. For Writs of Possession entered prior to March 16, 2020, the landlord must apply for the Writ of Eviction and the court shall conduct an evidentiary hearing to determine whether the subject property is covered by the CARES Act 2020. For Writs of Possession entered after June 28, 2020, the court will conduct an evidentiary hearing to determine the applicability of the CARES Act 2020 on the return date for the Unlawful Detainer.
10. Attorneys representing landlords may appear and offer written or oral representation regarding the status of the subject property after confirming the information with the property owner/client without the need to produce a witness.
11. The Therapeutic Docket for the 23rd Judicial District resumed operation on June 12, 2020.
12. The VASAP/Probation Show Cause Dockets for the 23rd Judicial District resumed operation on June 12, 2020.
13. The Zoning Docket for the City of Roanoke resumed operation on June 4, 2020.

This ORDER shall remain in effect pending further Order of this Court and may be extended per statute.

Enter:

July 2, 2020

Jaqueline F. White

Chief Judge