

TWENTY-THIRD JUDICIAL DISTRICT  
OF VIRGINIA



JACQUELINE F. WARD TALEVI, CHIEF JUDGE  
305 EAST MAIN STREET  
SALEM, VIRGINIA 24153  
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GENERAL DISTRICT COURT FOR THE CITY OF ROANOKE  
GENERAL DISTRICT COURT FOR THE COUNTY OF ROANOKE  
GENERAL DISTRICT COURT FOR THE CITY OF SALEM

COMMONWEALTH OF VIRGINIA

January 28, 2021

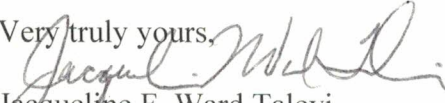
Dear Members of the Bar:

Unlawful Detainer and Writ of Eviction filings have become increasingly complex and complicated. Procedural and substantive changes to the law governing the landlord/tenant relationship as exemplified in recent legislation passed by the General Assembly, orders issued by the Supreme Court of Virginia, executive orders issued by the Governor and orders/recommendations/moratoriums issued by the Centers for Disease Control and Prevention have created vexing issues for both landlords and their attorneys.

In light of these complexities, the General District Courts for the 23<sup>rd</sup> Judicial District implemented additional written filing requirements effective January 25, 2021 which landlords must satisfy prior to filing an unlawful detainer or writ of eviction. I am writing to inform you of these new written requirements. For unlawful detainer filings, the certification form must be signed and filed with each unlawful detainer filed. For writ of eviction filings, an affidavit must be filed with each writ requested. If filing by mail, the affidavit must be notarized. If the certification form is not signed by the filer or the affidavit is not signed and/or notarized, the deputy clerk will not process the filing. The certification form and affidavit are attached.

The certification form and the affidavit are available at the Clerk's offices. Additionally, the Clerks' offices will provide a handout to the public regarding the Virginia Rent and Mortgage Relief Program (RMRP). The handout explains the process the landlord and tenant should follow to access the funds available through the RMRP. The information is available on the Virginia Department of Housing website as well. I am attaching that informational document.

Thank you for your patience as we navigate these difficult times.

Very truly yours,  
  
Jacqueline F. Ward Talevi  
Chief Judge

**GENERAL DISTRICT COURTS for the COUNTY OF ROANOKE, CITY OF  
ROANOKE AND CITY OF SALEM**

\_\_\_\_\_  
Plaintiff(s)

Case No: \_\_\_\_\_

v.

Address of Detained Property:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Defendant(s)

**CERTIFICATION RELATED TO LEGAL ACTION FOR UNLAWFUL DETAINER  
PROCEEDINGS**

I, \_\_\_\_\_, the undersigned, hereby certify the section marked below  
PRINT NAME  
as true and correct and made based on my own personal knowledge:

(MUST MARK ONE OF THE THREE APPLICABLE BOXES BELOW:)

1. The legal action filed with this Certification relates to a non-residential (e.g., commercial) tenancy.

**OR**

2. The legal action filed with this Certification relates to a residential tenancy but involves a breach of lease other than non-payment of rent.

**OR**

3. The legal action filed with this Certification relates to a residential tenancy for non-payment of rent, AND:

A. I am personally familiar with the residential property occupied by the Defendant, to include the details of the Defendant's tenancy, the property's ownership and financing arrangements, and any and all liens that may exist on the property;

B. I am aware of and have reviewed the relevant provisions of **federal laws** and regulations that establish emergency moratoriums, requirements on landlords and/or protections to renters of residential properties which participate in federal housing programs, or properties that are secured by federally backed mortgage loan(s) or multifamily mortgage loan(s), to include but not limited to:

- i. Coronavirus Aid, Relief and Economic Security (CARES) Act, Public Law 116-136, enacted March 27, 2020;
- ii. CDC Agency Order: "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 (Order)," effective September 4, 2020 (and extended through January 31, 2021 by §502 of the Consolidated Appropriations Act, 2021); and

iii. HUD Agency Eviction & Foreclosure Moratoriums detailed in Mortgagee Letters: ML 2020-4 through ML 2020-27, effective March 18, 2020 through February 28, 2021.

C. I am aware of and have reviewed the relevant provisions of recent **state law** changes and emergency enactments that establish moratoriums, requirements on landlords and/or provide protections to renters of residential properties, to include but not limited to:

- i. HB 5005 (enacted November 18, 2020), which provides emergency Virginia budget amendments and related requirements before pursuing eviction during the state of emergency declared by Virginia's Governor;
- ii. HB 5115 (enacted November 9, 2020) which provides certain rights to request a judicial stay of legal proceedings during and after the state of emergency declared by Virginia's Governor; and
- iii. HB 5064 (enacted November 9, 2020) which amends Virginia Code section 55.1-1254 of the Virginia Residential Landlord Tenant Act regarding notice requirements.

D. Having reviewed all of the laws or regulations cited in this Certification, or otherwise applicable, I certify that all legislatively or administratively required notices or other conditions have been satisfied prior to filing this legal action.

I understand further proof of the assertions made herein may be required at trial.

I certify under penalty of perjury that the foregoing marked section is true and correct and made upon personal knowledge this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

The above signed \_\_\_\_\_, personally appeared before me, the undersigned Deputy Clerk, and was certified the information herein as true and correct under penalty of law.

\_\_\_\_\_  
Deputy Clerk

**GENERAL DISTRICT COURTS for the COUNTY OF ROANOKE, CITY OF  
ROANOKE AND CITY OF SALEM**

\_\_\_\_\_  
Plaintiff(s),

Case No: \_\_\_\_\_

v.

Address of Detained Property:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Defendant(s).

**AFFIDAVIT OF ELIGIBILITY FOR WRIT OF EVICTION**

I, \_\_\_\_\_, the undersigned affiant, hereby swear and affirm the  
PRINT NAME  
section marked below as true and correct and made based on my own personal knowledge:

(AFFIANT MUST MARK ONE OF THE THREE BOXES BELOW)

- 1. The Writ of Eviction filed with this affidavit relates to a non-residential (e.g., commercial) tenancy.  
**OR**
- 2. The Writ of Eviction filed with this affidavit relates to a residential tenancy but involves a breach of lease other than non-payment of rent.  
**OR**
- 3. The Writ of Eviction filed with this affidavit relates to a residential tenancy for non-payment of rent, **AND:**

A. I am aware of and have reviewed the Virginia budget legislation enacted November 18, 2020 (HB5005) which provides that, pursuant to the Governor's declaration of a state of emergency under Virginia Code Section 44-146.17 in response to the coronavirus pandemic, no landlord shall terminate a residential tenancy, or take any action to obtain possession of a dwelling unit for nonpayment of rent through December 31, 2020, unless such eligible tenant refuses to apply for Virginia Rent and Mortgage Relief Program (VRMRP) assistance and refuses to cooperate with the landlord in applying for rental assistance through the Virginia Rent and Mortgage Relief Program; **AND**

B. Having reviewed this legislation, I certify that the tenant(s) in the attached Writ of Eviction have been served with written notice informing tenant of the Virginia Rent and Mortgage Relief Program and information on how to reach 2-1-1, and tenant(s) have refused to apply for rental assistance under the VRMRP and further refused to cooperate with landlord's efforts to apply for rental assistance under the VRMRP; **AND**

C. Having reviewed this legislation, I understand that landlords owning more than four rental dwelling units are required to offer their tenant(s) a payment plan, and that if a tenant is complying with a written payment plan or has resolved any nonpayment of rent, the landlord cannot take any action to obtain possession of a dwelling unit for nonpayment of rent. I certify that the tenant(s) in the attached Writ of Eviction have not resolved any nonpayment of rent or are not complying with a written payment plan.

I certify under penalty of perjury that the foregoing marked section is true and correct and made upon personal knowledge this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Printed Name of Affiant

The above-signed affiant, \_\_\_\_\_, personally appeared before me, the undersigned Notary/Deputy Clerk, and was duly sworn and affirmed the information herein as true and correct under penalty of law.

\_\_\_\_\_  
Notary/Deputy Clerk

Virginia Housing is now administering relief on behalf of the Virginia Department of Housing and Community Development for renters experiencing financial difficulties due to the COVID-19 pandemic.

Through this new landlord option of the Virginia Rent and Mortgage Relief Program (RMRP), eligible landlords can apply on behalf of their tenants to receive financial assistance for up to 100% of the current month's rent plus past due rental payments and eligible fees dating back to April 1, 2020.

In order to receive financial assistance through the RMRP, households must meet the following minimum requirements:

- ✓ The Tenant has a valid lease in their name.
- ✓ The household has experienced a loss of income due to COVID-19/Coronavirus pandemic (Head of household must complete a self-certification of loss of income).
- ✓ The household's total rent is at or below 150% Fair Market Rent (FMR).
- ✓ The household's current gross income is equal to or less than 80% Area Median Income for household size and location (supporting documentation required).
- ✓ The household cannot receive rental assistance from any other source, including, but not limited to, federal, state and local rental assistance programs, for the same period of time RMRP is requested.

Further, to receive financial assistance under the RMRP, landlord must:

- I. agree not to evict the renter for non-payment of rent associated with any of the months for which the rent relief payment is made;
- II. if tenant owes past due rent prior to April 1, 2020, the landlord must work with the tenant to develop an appropriate payment plan; and
- III. Landlords will be required to provide their W-9 for tax reporting purposes.

*Please note, the Internal Revenue Service has issued guidance that CARES Act rental assistance payments (such as RMRP) are taxable to the recipient. Virginia Housing expects to issue an IRS Form 1099 to landlord with respect to RMRP rental assistance.*




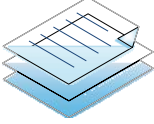


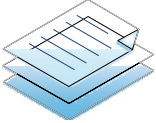




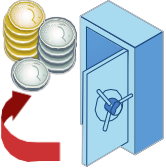


Prior RMRP requirements that mandated the landlord forgive a certain amount of past due rent in order to participate in the program have been removed and are no longer effective.

Virginia Housing is administering this program through our online Grants Management System. Instructional guides are available on Virginia Housing's RMRP webpage to assist in using the online GMS system. The 150% fair market rent and 80% area median income tables will assist in determining tenant eligibility for the RMRP. Information and data from the application will be entered into the online Grant Management System by the landlord or representative.

Applications will be reviewed by Virginia Housing and funds disbursed via ACH directly to the landlords or their designee.

Should you have any questions, please contact [RMRP@VirginiaHousing.com](mailto:RMRP@VirginiaHousing.com).

# Landlord Rental Assistance for Tenants Process – Getting Started

- |               |   |  |                |   |   |
|---------------|---|--|----------------|---|---|
| <b>STEP 1</b> |    | Visit <a href="http://www.VirginiaHousing.com/RMRP">www.VirginiaHousing.com/RMRP</a> Website.  | <b>STEP 8</b>  |    | Log into the GMS <a href="http://www.vhdagrants.com">www.vhdagrants.com</a> and begin new application for the tenant.   |
| <b>STEP 2</b> |    | Download program information flyers and tenant application forms.  | <b>STEP 9</b>  |    | Information is entered into the online tenant application and the supporting documentation is uploaded.   |
| <b>STEP 3</b> |    | Contact tenants who have missed rental payments since 4/1/20 - current month.  | <b>STEP 10</b> |    | Application is processed for accuracy, eligibility and completeness of information and supporting documentation.  |
| <b>STEP 4</b> |    | Review information, fill out the tenant application, and gather required supporting documents.   | <b>STEP 11</b> |    | Completed applications that meet all requirements are approved and moved forward for funding.   |
| <b>STEP 5</b> |   | Create an account in the VA Housing Grants Management System (GMS) <a href="http://www.vhdagrants.com">www.vhdagrants.com</a> and upload W9 and ACH information. | <b>STEP 12</b> |   | Funds are sent via ACH to the Landlord/Property Manager account for all tenant applications processed by Accounting.  |
| <b>STEP 6</b> |  | Confirm ACH and W9 information with the Landlord/Property Manager to ensure funds are being paid to the correct account.   | <b>STEP 13</b> |  | Receive ACH funds and apply funds to the appropriate tenant accounts.   |
| <b>STEP 7</b> |  | Provide the completed application with signatures and the required supporting documents to Landlord/Property Manager.  | <b>STEP 14</b> |  | For future months rent if tenant is still unemployed, Landlord/Property Manager can amend the amount needed. Process steps for approval and funding are repeated. |