CHANGES TO PROCEDURES FOR OBTAINING JUDGEMENT FOR UNLAWFUL DETAINER IN VIRGINIA BEACH GENERAL DISTRICT COURT

During the recently concluded 2020 special legislative session, the General Assembly enacted several changes to the procedures that must be followed in landlord-tenant cases before a judgement for possession can be obtained and a writ of eviction can be issued based upon unpaid rent. These changes became effective on November 9 and November 18, 2020. In pertinent part, the changes require that the landlord give 14 days’ notice to pay or quit and notices must contain certain other pieces of information. In addition, the changes require that the landlord cooperate with a tenant’s efforts to apply for assistance from the Virginia Rent and Mortgage Relief Program and further require the landlord to apply for assistance on behalf of a tenant who fails to do so. The changes to the Virginia Landlord-Tenant Act and the budget bill can be found here (<https://lis.virginia.gov/cgi-bin/legp604.exe?202+ful+HB5064ER2+pdf>) and here (<https://budget.lis.virginia.gov/amendment/2020/2/HB5005/Introduced/CR/4-14/2c/>).

Before the Court will enter a judgment on an unlawful detainer based upon unpaid rent, the landlord must comply with the new 14-day notice requirements contained in these legislative enactments and, further, the landlord or authorized agent must attest, either in person or via an affidavit, that they have complied with the requirements of the budget amendments.

The Court also calls your attention to the following language in the budget amendment:

*Nothing in this section shall void any judgment for possession validly obtained by a landlord prior to the effective date of this section; however, the court shall not issue a writ of execution thereunder, following the effective date, unless it complies with the provisions of this Section 8.*

Based upon this language, a writ of eviction will not be issued on judgments for possession for unpaid rent that were obtained prior to November 18, 2020, unless the landlord can demonstrate compliance with the terms of the budget amendment.