

TENANTS UNLAWFULLY EXCLUDED FROM THEIR HOME SHOULD HAVE THEIR CASES HEARD QUICKLY. HB1401 (ASKEW) WILL HELP

The Problem: When a landlord unlawfully evicts a tenant from their home, whether it is by changing the locks or interrupting essential services such as water, the tenant must seek help from the court. If the court does not issue an order quickly, a tenant can wait days, if not weeks, before getting back into their home. But many judges will not issue these orders until days after a notice has been served on the landlord, because current law does not expressly allow them to issue these orders on an emergency basis regardless of the urgency of the situation.

The Solution: HB 1401 will expressly grant judges the authority to hear unlawful exclusion cases *ex parte and issue orders without requiring notice to the landlord if there is good cause to do so*. “Good cause” could include the likelihood that the tenant and her family would be homeless or lose the ability to attend work or school while waiting for a hearing date. In all cases, the court will have the ability to confirm that the landlord hasn’t received a valid order of possession before issuing an *ex parte* order in favor of the tenant. The tenant must still attempt to provide the landlord with actual notice, but HB 1401 clarifies that judges have the discretion to hear the petition on an emergency basis.

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