2020

LEGISLATIVE REVIEW

Virginia Poverty Law Center
Capping Late Fees on Rent
This legislation caps late fees for past due rent at the lesser of 10% of periodic monthly rent or 10% of the amount owing and due by the tenant. This will limit the late fees incurred by the thousands of renters who have suffered loss of income due to COVID-19 and who are not covered by the federal CARES Act prohibition on late fees.

Giving Tenants Notice of Intent to Dispose of Housing Project
Effective January 1, 2021, housing authorities must give tenants 12 months’ notice of intent to demolish, liquidate, or otherwise dispose of housing projects.

Delaying Eviction and Foreclosure for Federal Employees During a Work Furlough
This legislation allows for a 60-day extension in eviction cases and a 90-day extension in foreclosure cases. The Governor proposed an amendment that would provide a 60-day continuance of eviction hearings to tenants who can’t pay rent due to income lost because of COVID-19, which would provide some relief to tenants not covered by the CARES Act eviction moratorium. These tenants could face eviction cases with court dates as early as June.

THIS LEGISLATION WILL PROTECT THOUSANDS OF RENTERS WHO’VE SUFFERED LOSS OF INCOME DUE TO THE COVID-19 CRISIS.
The Center for Economic Justice

Housing

Making Help Easier to Get
This legislation adds the statewide legal aid phone number and web address to lease termination notices for tenants on rent-based subsidies, effective July 1, 2020.

Providing Mobile Home Park Residents with Relocation Expenses When the Park Changes Use
Effective July 1, 2020, this requires manufactured home lot owners to provide residents with relocation expenses when the park is changing use: $3,500 for most of Northern Virginia and $2,500 elsewhere in the state.

Requiring Landlords to Notify Tenants of Rights
Effective July 1, 2020, this requires landlords to provide tenants with a list of rights and responsibilities as prepared by the Department of Housing and Community Development. A landlord cannot file an action against a tenant in court for an alleged lease violation until they have provided the tenant with this statement of rights.

Creating the Opportunity to Erase Dismissed Eviction Cases
Effective January 1, 2022, this creates a process allowing dismissed eviction cases to be permanently erased, which can be helpful when a tenant is looking for new housing.

Ensuring Safe and Healthy Housing
Effective July 1, 2020, residential tenants can hire someone to make repairs affecting the health and safety of their home if their landlord has failed to make the repairs within a reasonable period and then deduct the cost of the repairs from rent.
Housing

Protecting Renters from Discrimination
This legislation prevents landlords from discriminating against a renter based on their source of income. Effective July 1, 2020, it will protect low-income families who rely on housing choice vouchers.

Improving Living Conditions and Legal Rights of Manufactured Home Park Residents
The Manufactured Home Lot Rental Act:

- Requires owners of manufactured home parks to provide residents notice of intent to sell the park at least 90 days before accepting an offer where the owner listed the park for sale or 60 days before accepting an unsolicited offer for purchase of the park
- Allows groups representing at 25% of the residents to make an offer to purchase the park during the 60-day period when another person has offered to purchase the park
- Allows residents to rent their manufactured homes to others if they have been evicted from the park

HB 6 WILL PROTECT LOW-INCOME FAMILIES WHO RELY ON HOUSING CHOICE VOUCHERS.
Consumer

Creating Fairness in Lending
The Virginia Fairness in Lending Act:
- Replaces payday loans with short-term loans, and the loans must be repayable in installments with interest and fee caps (up to 36% plus $25 monthly fees and 50% on total fees and interest)
- Caps car title loans at 36% interest, $15 monthly fees, and 50% total fees
- Caps open-end loans at 36% interest and $50 annual fees
- Caps consumer finance loans at 36% interest with a limited processing fee.
All loans made to Virginians must be licensed or will be considered void.

Regulating Student Loan Servicers
This legislation requires licensing and regulation of student loan servicers, which will protect student loan borrowers and ensure their right to accurate information about their loans and repayment options.

Ensuring Utility Fairness
Part of the Virginia Clean Economy Act states that those who qualify for public benefits must have utilities limited to 6% of total income. This portion of the bill goes into effect April 2022.

Regulating Debt Settlement Companies
Effective July 1, 2021, this legislation will regulate and limit fees charged by debt settlement companies.
Family and Child Welfare

**Ensuring Mental and Physical Wellbeing of Adopted Children**
Effective July 1, 2020, this allows children to stay in contact with their biological/original families post-adoption. Maintaining contact with original family members often results in better mental and physical health for the adopted child.

**Improving Legal Representation for Children**
Effective July 1, 2020, this requires guardians ad litem, court-appointed attorneys representing children in family law cases, to conduct investigations in compliance with certain standards.

**Creating Independent Oversight of Child-serving Agencies in Virginia**
This legislation establishes the Office of the Children’s Ombudsman to oversee and improve all child-serving agencies in Virginia.
Domestic & Sexual Violence

Removing Firearms from the Hands of an Abuser
This legislation requires abusers to surrender any firearms in their possession within 24 hours and to certify in writing with the clerk of the court that issued the protective order (PO) that they have done so within 48 hours of being served with the PO (or risk incurring a Class 1 misdemeanor).

Extending Protective Orders
Effective July 1, 2020, this legislation gives judges the option to extend POs against especially dangerous respondents beyond two years so that a victim of a convicted violent felon would not have to return to court to extend the order every two years.

Notifying Victims ofAppealed Protective Orders
Effective July 1, 2020, this legislation ensures that notice of a protective order appeal is given to the non-appealing party. As most PO appeals are filed by abusers to eliminate the PO issued against them, it may be a life and death matter for the victim to get notice that their PO has been appealed.

Removing Firearms from a Person Posing Risk to Themselves or Others
This legislation will protect abuse victims by allowing any Commonwealth’s Attorney (CA) or law enforcement officer to apply for an emergency substantial risk order (ESRO) to prohibit a person who poses a substantial risk of injury to themselves or others from purchasing, possessing, or transporting a firearm.

IT MAY BE A LIFE AND DEATH MATTER FOR A VICTIM TO GET NOTICE THAT THEIR PROTECTIVE ORDER HAS BEEN APPEALED.
Healthcare

Ending Surprise Medical Bills
Effective July 1, 2020, this legislation will prohibit out-of-network providers from surprise billing insured patients who go to the hospital for an emergency or scheduled procedure. It protects insured patients from getting stuck with large and unfair medical bills.

Creating a State-based Marketplace for Affordable Care Act for Private Insurance
Effective July 1, 2020.

A STATE-BASED MARKETPLACE FOR AFFORDABLE CARE ACT FOR PRIVATE INSURANCE WILL TAKE EFFECT JULY 1, 2020.
Public Benefits

Repealing the Drug Felon Ban for SNAP and TANF
Effective July 1, 2020, a person who is otherwise eligible to receive food stamp benefits cannot be denied such assistance solely because they have been convicted of a drug-related felony.

Ensuring Better Access to Healthy Food
The Virginia Food Access Investment Program and Fund, effective July 1, 2020, provides funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects in underserved communities.

Preventing Food Waste and Shame for Children Unable to Pay for School Meals
Effective July 1, 2020, this requires each local school board to adopt policies that prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to throw away or discard a meal after it has been served to them.