
Stop Unlawful Evictions

Support HB1900/SB1215 (Delegate Hudson/Senator Ebbin)

The Problem:

- Although a court process exists for landlords and tenants to resolve lease disputes, some unprofessional landlords ignore the law and use unscrupulous “self-help” means such as cutting off heat or electricity or changing locks to force tenants out of their homes with no notice and no chance to plead their case before a judge.
- Virginia passed a law in 2013 that allows tenants who have been unlawfully evicted to file a case in General District Court to get back into their homes. Last year, the legislature clarified that judges may treat these cases as an emergency and issue a preliminary order to allow the tenant back in the home before holding a hearing on the full merits of the case.
- Despite these protections, instances of unlawful evictions in Virginia increased during the pandemic, and many tenants have spent weeks locked out of their homes before getting relief from the court.

HB1900’s Solution:

- HB1900 ensures unlawful eviction cases are heard quickly by requiring courts to hold an initial hearing within five days of the tenant filing a “Petition for Relief from Unlawful Exclusion.”
- HB1900 adds a \$5,000 (or four months’ rent if that amount exceeds \$5,000) statutory damages provision to the law. Under current law, tenants can recover “actual damages” but rarely are tenants made whole. Landlords who act outside the law are often only required to allow the family back into the dwelling unit or terminate the lease, with no other consequences for the unlawful actions.

Benefits of HB1900:

- Adding a statutory damages provision of \$5,000 will deter unscrupulous landlords from using unlawful, self-help evictions.
- When landlords do unlawfully evict tenants, HB1900 gives judges clear guidance on how to proceed: hold an initial hearing on the tenant’s petition the week it is filed, and, if the landlord doesn’t appear at the initial hearing or appears and requests one, hold a full hearing no more than ten days later.

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See the reverse side for examples of unlawful evictions that have occurred in Virginia in the past year.

A Look at Unlawful Evictions in Virginia

The examples of unlawful evictions below are from real cases handled by legal aid attorneys in all corners of Virginia. All identities have been changed to protect the privacy of the tenants.

Fluvanna County: The most egregious case I had was in Fluvanna County, where the landlord turned off power and then changed the locks. My client, Max, had no other option than to stay in a hotel for two weeks before we could even be heard by the court. Max lost a couple hundred dollars in groceries he left in his house before the landlord locked him out. He couldn't afford to keep staying a hotel while we waited to get heard, so he had to switch to couch surfing at a friend's place. The friend's place was too far away from his job, and he eventually lost that, too. When he was finally able to be heard in court, the judge terminated the lease and gave Max \$700 in damages and attorney's fees. Max was out much more money than that and had lost his job and home.

Charlottesville: In Charlottesville, my client, Arlene, was locked out of the mobile home she was renting. By the time we could be heard, a full two weeks after the lockout, the landlord had thrown away many of her belongings. The mobile home was in terrible shape and was eventually condemned. There was a dispute about whether this was my client's or the landlord's fault. The landlord then sued Arlene for damages to the trailer. Since we couldn't prove things one way or the other, the judge dismissed both cases. I think if the process had been more expedited and statutory damages were allowed, this case would have had a different result.

Fredericksburg: My clients, a family with a child, lost income due to the COVID-19 pandemic and fell behind on rent. The landlord tried to evict them for nonpayment, but I was able to get the case dismissed. Rent relief funds were available through a rent relief program, but the landlord refused to take them.

In response to the dismissal of his eviction action, the landlord cut off my clients' access to water by stopping the water intake. No plumber in the small rural community was willing to look at the pipes unless the landlord allowed them on the property, which he wouldn't, or because they had bad dealings with this landlord before and had no desire to work on his properties again. My clients would have to either go to a neighbor's home to shower or drive two hours each way to bathe at a relative's house. I filed an unlawful exclusion at this time.

Even though we won the court case, the landlord still refused to restore water, claiming that the court's judgment was solely a monetary award. The landlord filed another eviction case against my client. He also threatened my clients' neighbor with eviction if she allowed them to bathe at her premises. To top it off, he then called social services to inform them that a child was living in a home without running water. Social Services did a home inspection and found out that this was true. My clients, in fear of losing their child, moved to a motel. During the first week in the motel, the landlord returned to the property to finish off the unlawful eviction. Before changing the locks, he removed every piece of my client's personal property and threw it in the trash. The eviction lawsuit is still pending.

Henry County: My client's landlord filed an eviction case after the new eviction protections that the legislature passed during the 2020 special session went into law. Because of the new protections, the judge continued the case until February. Following this, the landlord cut off my client's water, and when I called to inform him that unless he cut off the water to repair the water line, I was going to file an unlawful exclusion case. Undeterred by the feeble consequences, he told me to go ahead and file, which I did. The case is still pending.

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