

VAMA Legislative Update

VAMA's legislative committee has been working very diligently this summer to achieve common sense legislation that will address the "eviction" news that is blanketing the county.

The committee's approach:

1. We believe that VAMA members work with residents that are behind on their rent and behave ethically in general. Unfortunately, not all property owners take a fair approach. The news media is reporting only one side of the eviction story and lawmakers are facing intense pressure from constituents to "do something".
2. The industry must participate in the process in order to have a voice in the legislation; otherwise laws will be passed over our objections leaving us without a voice at the table.
3. We know that VAMA members have varying policies regarding past due rent and evictions, however, most members operate similarly.
4. VAMA participation in the Housing Commission process was approached from the perspective of formalizing a process that most members are already using.

Keeping the 4 points above in mind, the 5 bills that will be presented to the General Assembly from the Housing Commission so long as they are approved by the Commission at it's next meeting and a 6th bill that is still in discussion are outlined below:

1. Require written leases. A landlord will be required to offer a written lease. If a written lease is not offered then certain legal protections will take effect.

2. File one UD at a time for nonpayment of rent. Judges will be required to allow an original UD to be amended to include any monies owed. A second UD may be filed for any other lease violation. This bill was drafted so that a residents profile, when returned by a screening company, will not show multiple UDs for one court date.
3. Extension of right of redemption timeframe. The timeframe to pay all monies owed and exercise a one time right of redemption will be extended to 48 hours before eviction. Currently residents must bring all money to court. This compromise was struck in order to preserve our current legal timeframe. The initial bill included a provision which would have required properties to wait until the 10th or 15th of the month to even file a UD. This compromise provides residents with the additional time they may need to avoid eviction without requiring landlords to wait to file.
4. Appeal Bond process changes. After an order of possession is issued by the court a resident has 10 days to appeal. Currently, residents must pay anywhere from 2 - 8 months of rent IN ADVANCE in order to file an appeal. The legislation will change this process so that a resident must only pay what is outstanding and the current rent as it becomes due. This change will provide residents with the option to actually appeal. I don't know about you but I don't know many people who have 2-8 months of rent in savings.
5. VAMA Concept: Return of unexecuted writs of possession to the courts. Currently, if an eviction is cancelled by a property manager, none of the screening tools that our industry uses can track that information. This bill will require sheriffs to notify the courts and return the unexecuted

eviction to the court system so that the courts can track the fact that while a resident may have lost their UD case, they were not actually evicted. The reason for this legislation is so that apartment owners will have more information in order to evaluate an application. There is a big difference between a resident that paid and stayed and a resident that was actually evicted. This legislation will provide residents with a more accurate screening and managers with more information.

6. Pilot/Test Eviction Diversion Program. VAMA knows that members do their best to stay out of court and work with residents that come in and make payment arrangements. Not all property owners spend time working with residents, however, therefore an eviction diversion pilot/test program is desired by the Governor and some legislators. In fact, the Governor stated that an eviction diversion program is one of his top priorities. If the Housing Commission does not develop this program, it is likely that the Governor will enact a program without any industry feedback by executive order.

In light of this political climate, VAMA worked diligently to find common ground with tenant advocates and develop a program that matches what conscientious, ethical companies are already doing.

Below is a synopsis, in broad strokes, of an eviction diversion program to which VAMA can agree. There are still meetings taking place and VAMA will present our version of this bill to the full VA Housing Commission at its next meeting which is currently scheduled for December 21, in Richmond:

- The program will not take effect until 2020 and will only be put in place in 3 test cities. The program will also expire in 2023 unless the General Assembly reenacts it.
- A resident must show up in court and ask to utilize the

program

- A resident must swear that they have sufficient funds to make payments
- Property managers will have the opportunity to object to a resident being placed in the program if the resident has a poor payment history
- If the resident is accepted into the diversion program they will have 4 months to pay an outstanding balance of \$1000 or less in addition to making their regular rent payments on time.
- If the resident misses a payment, property managers contact the courts and an order of possession is automatically issued without the need to return to court. This system is much better than making those constant calls asking a resident when their catch-up payments will make it into the office.

The VAMA legislative committee has spent countless hours revising bills and Brian Gordon has spent the summer negotiating with tenant advocate groups to achieve a slate of “eviction legislation” that we can all feel proud to send to the General Assembly through the Housing Commission. Together we can help Virginia get into the news regarding evictions in a positive light and codify the standard practices that we all follow.

There has been no rest for the weary so please offer a big Thank YOU to all VAMA’s legislative committee members and to Brian Gordon next time you see them. If you have any questions or comments, feel free to call Elena at (804) 912-4993.

Remember to mark your calendars for VAM A Lobby Day on January 31, 2019 and have a wonderful Holiday Season.