

I've Lost Income Due to COVID-19. How Can I Get a Delay in My Eviction Case?

In April 2020, Virginia passed emergency measures to help tenants who have lost income during the COVID-19 emergency and are being sued for eviction based on unpaid rent. Because of that, many tenants may be able to get a 60-day delay in their court case.

Am I eligible to delay my eviction case?

- Did you lose income between March 12, 2020 and your court date?
- Do you have a first court date for an eviction case (and “unlawful detainer”) scheduled before the end of the COVID-19 state of emergency?

If you meet both of those requirements, you may be able to get a 60-day delay in your case.

What do I need to do to get the 60-day delay?

1. Show up to your first court date.
2. Bring written proof that you lost income. That could include one of the following:
 - A paystub showing that the amount you earn has been reduced;
 - A furlough notification letter from your employer;
 - An ‘essential employee status letter’ stating that you were ‘nonessential’; or
 - A signed affidavit by you stating that you lost wages during this period due to the COVID-19 emergency.
 - VPLC has an affidavit form attached that you can print and complete to take to court with you if you do not have other proof. NOTE: not all judges will accept a self-affidavit.
3. Ask the judge for a 60-day “continuance”.

For free information and legal advice from an attorney about your case, call the Eviction Legal Helpline (833-NoEvict) or your legal aid office (866-LEGLAID).

AFFIDAVIT OF LOSS OF INCOME DURING COVID-19 EMERGENCY

This affidavit is executed in support of my request for a sixty-day continuance of my unlawful detainer case, pursuant to the emergency provisions of Virginia House Bill 340 (Acts 2020, c. 1202), Virginia Code s 44-209, enacted April 22, 2020. It is presented as written proof that I, the affected party, have experienced a loss of income from a public or private source due to the COVID-19 Emergency, such that the affected party must request a stay or continuance. Other written proof of my loss of income, such as a paystub showing zero dollars in earnings for a pay period within the period for which the Governor has declared a state of emergency or a copy of a furlough notification letter or essential employee status letter indicating the employee's status as nonessential due to the Emergency is unavailable.

My source of income is or was: _____

The name of my employer (if applicable) is or was: _____

My hours or income have been reduced by this amount: _____

The date my income changed was: _____

I declare under penalty of perjury that the foregoing is true and correct, as stated in Code of Virginia §8.01-4.3, as an unsworn declaration under penalty of perjury.

Case Number: _____ First Court Date: _____

First Name: _____ Last Name: _____

Signature: _____

Date: _____

INSTRUCTIONS:

AFFIDAVIT OF LOSS OF INCOME DURING COVID-19 EMERGENCY

If you have one of these documents showing your loss of income during the COVID-19 emergency, you should bring them to the first court date with you and show them to the judge as written proof of your loss of income:

- A paystub showing zero dollars in earnings for a pay period between March 12 and June 10, 2020.
- A copy of a furlough notification letter or essential employee status letter for the period between March 12 and June 10, 2020, indicating the employee's (your) status as nonessential due to the COVID-19 emergency.

If you lost income during the COVID-19 emergency but do not have one of those two types of documents, you may complete this affidavit as proof of your loss of income. **You can be prosecuted for a crime** if you willfully put false information in the affidavit.

Here is an example of how to fill in the necessary spaces on the form with your information:

My source of income is or was: driving for Uber & childcare

The name of my employer (if applicable) is or was: Uber & self-employed

My hours or income have been reduced by this amount: \$800 per week

The date my income changed was: April 1, 2020

Case Number: GV2000007561 First Court Date: 7/25/2020

First Name: Jonathan Q. Last Name: Public

Signature: Jonathan Q Public

Date: 7/24/2020