

COVID-19 Emergency Orders Affecting Real Estate Virginia

Last updated May 22, 2020

MORTGAGE ENFORCEMENT LIMITATIONS

April 22, 2020 – Statewide Legislation

- House Bill 340 was enacted providing (a) a 60-day stay of an unlawful detainer for nonpayment of rent for residential tenants, and (b) a 30-day stay of foreclosure proceedings for homeowners of, and owners who rent to a tenant, a one-family to four-family residential dwelling unit, who request a stay and provide written proof, defined in the bill, that they are (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government who was furloughed or was or is otherwise not receiving wages or payments as a result of a closure of the United States government, defined in the bill. In addition, the bill was modified at the Governor's request to expand the available relief described above to any tenant, homeowner, or owner affected by the novel coronavirus (COVID-19) pandemic public health crisis during the period for which the Governor has declared a state of emergency. This appears to include commercial tenants, but it is not entirely clear.

<https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP1202+pdf>

March 16, 2020 (and amended April 22, 2020 and May 12, 2020) – Supreme Court of Virginia

- Non-emergency proceedings are continued until April 26, 2020.
http://www.courts.state.va.us/news/items/2020_0327_scv_order_extending_declaration_of_judicial_emergency.pdf
- Non-emergency proceedings are continued through May 17, 2020.
http://www.vacourts.gov/news/items/covid/2020_0422_scv_order_extending_declaration_of_judicial_emergency.pdf
- Effective May 18, 2020, all courts may hear in-person non-emergency matters if they determine it is safe to do so per the May 12, 2020 Amendment.
http://www.vacourts.gov/news/items/covid/2020_0512_scv_amendment_to_fourth_order.pdf

LANDLORD/TENANT ENFORCEMENT LIMITATIONS

May 21, 2020 – City of Alexandria

- The City of Alexandria has announced the COVID-19 Emergency Rent Relief Assistance Program to provide funds in the amount of \$600 per month for up to three months directly to property owners on behalf of eligible tenants. Eligible tenants live in the City of Alexandria, document loss of income directly related to COVID-19, are current on rent as of March 31, 2020 and fall below certain household income and asset thresholds.

<https://www.alexandriava.gov/housing/info/default.aspx?id=115425>

April 22, 2020 – Statewide Legislation

- House Bill 1420 was enacted providing that a landlord shall not charge a tenant for late payment of rent unless such charge is provided for in the written rental agreement, and that no such late charge shall exceed the lesser of 10% of the periodic rent or 10% of the remaining balance due and owed by the tenant.

<https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP1231+pdf>

- House Bill 340 was enacted providing (a) a 60-day stay of an unlawful detainer for nonpayment of rent for residential tenants, and (b) a 30-day stay of foreclosure proceedings for homeowners of, and owners who rent to a tenant, a one-family to four-family residential dwelling unit, who request a stay and provide written proof, defined in the bill, that they are (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government who was furloughed or was or is otherwise not receiving wages or payments as a result of a closure of the United States government, defined in the bill. In addition, the bill was modified at the Governor's request to expand the available relief described above to any tenant, homeowner, or owner affected by the novel coronavirus (COVID-19) pandemic public health crisis during the period for which the Governor has declared a state of emergency. This appears to include commercial tenants, but it is not entirely clear.
<https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP1202+pdf>

April 2, 2020 – City of Alexandria

- The City of Alexandria has asked Alexandria landlords not to pursue evictions for late April rent payments; to work with tenants on payment plans to repay late rent over the next 12 months; and to waive late fees and other penalties. The Office of Housing's Landlord-Tenant Division is available to help landlords and tenants draft and implement installment plans.
https://www.alexandriava.gov/news_display.aspx?id=114538

March 24, 2020 – Office of the Arlington County Board

- The Arlington County Board requests that Arlington County property owners and managers work proactively with tenants that are experiencing significant or full business disruption to provide rent relief and other tangible measures that allow these tenants to remain in their space when business operations fully resume. The Board further requests property owners and managers not file eviction proceedings against any tenant who is in arrears on rent for at least the next three months.
<https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/25/2020/03/COVID19-Commercial-Businesses-Letter.pdf>

March 16, 2020 – Supreme Court of Virginia

- Writs of eviction are continued until April 26, 2020.
http://www.courts.state.va.us/news/items/2020_0327_scv_order_extending_declaration_of_judicial_emergency.pdf
- Non-emergency proceedings are continued through May 17, 2020.
http://www.vacourts.gov/news/items/covid/2020_0422_scv_order_extending_declaration_of_judicial_emergency.pdf
- Effective May 18, 2020, all courts may hear in-person non-emergency matters if they determine it is safe to do so per the May 12, 2020 Amendment.
http://www.vacourts.gov/news/items/covid/2020_0512_scv_amendment_to_fourth_order.pdf

NON-ESSENTIAL BUSINESS RESTRICTIONS / STAY-AT-HOME ORDERS

State of Emergency: The Governor of Virginia has issued a Declaration of a State of Emergency due to Novel Coronavirus (COVID-19) effective March 12, 2020 until June 10, 2020.

[https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/eo/EO-51-Declaration-of-a-State-of-Emergency-Due-to-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/eo/EO-51-Declaration-of-a-State-of-Emergency-Due-to-Novel-Coronavirus-(COVID-19).pdf)

May 12 & 14, 2020 – Office of the Governor of the Commonwealth of Virginia

- Certain jurisdictions are delayed from entering Phase1 reopening

<https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-62-and-Order-of-Public-Health-Emergency-Four---Jurisdictions-Temporarily-Delayed-From-Entering-Phase-One-in-Executive-Order-61-and-Permitted-to-Remain-in-Phase-Zero-Northern-Virginia-Region.pdf>

<https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-62-and-Order-of-Public-Health-Emergency-Four-AMENDED.pdf>

May 8, 2020 – Office of the Governor of the Commonwealth of Virginia

- Restrictions will begin to ease on May 15 as the state enters Phase 1 reopening.

[https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-61-and-Order-of-Public-Health-Emergency-Three---Phase-One-Easing-Of-Certain-Temporary-Restrictions-Due-To-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-61-and-Order-of-Public-Health-Emergency-Three---Phase-One-Easing-Of-Certain-Temporary-Restrictions-Due-To-Novel-Coronavirus-(COVID-19).pdf)

March 30, 2020 – Office of the Governor of the Commonwealth of Virginia

- A Temporary Stay at Home Order was issued that will remain in effect until June 10.

[https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-55- Temporary-Stay-at-Home-Order-Due-to-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-55- Temporary-Stay-at-Home-Order-Due-to-Novel-Coronavirus-(COVID-19).pdf)

March 24, 2020 – Office of the Governor of the Commonwealth of Virginia

- Gatherings of more than 10 people are prohibited and non-essential retailers are closed.

[https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-53-Temporary-Restrictions-Due-To-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-53-Temporary-Restrictions-Due-To-Novel-Coronavirus-(COVID-19).pdf)

March 24, 2020 - City of Alexandria

- Legally required public meetings can be postponed without penalty as long as public notice is given; however, public meetings are not prohibited as long as public health and safety measures and social distancing are considered.

<https://www.alexandriava.gov/Coronavirus#CityGovernmentOperationsMeetingsEventsandPrograms>

March 12, 2020 – Arlington County

- Arlington County provided guidance to determine if public meetings are essential or non-essential.

<https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/25/2020/03/CoronaVirus.PublicGathering.Guidance.External.3.11.20.11pm-3.pdf>

COURT ACCESS /JUDICIAL PROCESS LIMITATIONS

State

- See following links for information about COVID-19 related orders applicable to proceedings in state courts:

<http://courts.state.va.us/>

http://courts.state.va.us/news/items/2020_0327_scv_order_extending_declaration_of_judicial_emergency.pdf

http://courts.state.va.us/news/items/covid_19.pdf

Federal

- See following links for information about COVID-19 related orders applicable to proceedings in Federal courts:
<https://www.uscourts.gov/news/2020/03/12/judiciary-preparedness-coronavirus-covid-19>
<https://www.uscourts.gov/about-federal-courts/court-website-links/court-orders-and-updates-during-covid19-pandemic>

RECORDING/FILING OFFICE LIMITATIONS

- Below is a link to relevant information about recording offices prepared by the American Land Title Association.
<https://www.alta.org/business-tools/county-status.cfm?state=VA>
- Below are links to relevant information about filing offices prepared by CT Corporation System and Corporation Service Company
<https://ct.wolterskluwer.com/covid-19-status?v=794331>
<https://www.cscglobal.com/blog/covid-19-state-closings/>

REMOTE NOTARIZATION

March 31, 2020 – Fannie Mae Lender Letter (LL-2020-03)

- Fannie Mae allows Lenders to sell loans with remotely notarized loan documents from states where remote notarization is currently authorized (listed in a table in the letter), subject to terms and conditions listed in the letter.
<https://singlefamily.fanniemae.com/media/22316/display>

March 31, 2020 – Freddie Mac Selling Guidance Related to COVID-19

- Freddie Mac allows Sellers to sell Mortgages to Freddie Mac where remote notarization was properly used in a state that currently allows remote notarization (listed in an attachment to the guidance). Freddie Mac provided specific requirements for qualifying Remote Online Notarization.
<https://guide.freddiemac.com/app/guide/bulletin/2020-8>
 - Virginia allows electronic notarization to be performed remotely using audio-video conference technology by an approved eNotary.
<https://www.commonwealth.virginia.gov/official-documents/notary-commissions/enotary-faq/>
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