

**ARLINGTON COUNTY and CITY OF FALLS CHURCH GENERAL DISTRICT COURT  
SECOND AMENDED ORDER EXTENDING COVID-19 PRECAUTIONARY MEASURES  
ON WRIT OF EVICTIONS**

It appearing to the Court that on November 18, 2020, the Governor of Virginia signed the 2020 Special Session, Budget Amendments – HB5005 (hereinafter “Budget Amendments”). The Budget Amendments provide for an eviction moratorium unless a Plaintiff/Landlord complies with specific notice requirements to a Defendant/Tenant and unless a specific exception to the eviction moratorium exists. The Court finds that the following docket management is consistent with the 2020 Virginia legislative action and Budget Amendments. It is, therefore, ORDERED:

**I. Pending Unlawful Detainer cases that have not been adjudicated by the Court**

All Unlawful Detainer proceedings currently pending for first return, trial, or other proceedings will proceed on the docket as scheduled.

**A. Pending Unlawful Detainers RELATED to a Failure to Pay Rent on Residential Property**

**Plaintiff/Landlord Requirements:**

During the pendency of the declared state of emergency, no Judgment for Possession will be entered at any unlawful detainer proceeding RELATED to a failure to pay rent on residential property unless the Plaintiff/Landlord establishes the following:

(1) that the Plaintiff/Landlord has complied with all applicable notice requirements to the Defendant/Tenant that are contained in the Budget Amendments which can be reviewed at the following link:

<https://budget.lis.virginia.gov/amendment/2020/2/HB5005/Introduced/CR/4-14/2c/>  
and

(2) that the Defendant/Tenant has failed to pay in full the amount due and owing within 14 days and, if Plaintiff/Landlord is the owner of multi-dwelling units, the Defendant/Tenant has not entered into a payment plan, or Defendant/Tenant has not paid an installment required by the payment plan in accordance with the Budget Amendments; and

(3) that an exception to the moratorium on evictions contained in the Budget Amendments exists and that the Plaintiff/Landlord is, otherwise, legally entitled to a Judgment for Possession.

**Defendant/Tenant:**

At any unlawful detainer proceeding, a Defendant/Tenant will have the opportunity to dispute that Plaintiff/Landlord is legally entitled to relief, including the opportunity to dispute that Plaintiff/Landlord has complied with the notice requirements of the Budget Amendments and the opportunity to dispute that an exception to the moratorium on evictions contained in the Budget Amendments exists.

**B. Pending Unlawful Detainers UNRELATED to a Failure to Pay Rent on Residential Property, including Non-Residential Leases and Other Material Non-Compliance**

At any unlawful detainer proceeding UNRELATED to a failure to pay rent on residential property. Plaintiff/Landlord may seek a Judgment for Possession and damages provided proper notice of the hearing was given to the Defendant/Tenant and Plaintiff/Landlord is, otherwise, entitled to the relief.

**II. Judgment for Possession has been entered but a Writ of Eviction has not been issued by the Clerk**

A Writ of Eviction will not issue unless a Plaintiff/Landlord files a Certification with the Clerk at the time of seeking the Writ of Eviction and certifies, under penalty of perjury, that all applicable notice requirements contained in the Budget Amendments have been satisfied and that the Plaintiff/Landlord is entitled to the issuance of a Writ of Eviction because an exception to the moratorium on evictions exists.

**A. Judgment for Possession RELATED to a Failure to Pay Rent on Residential Property**

**Plaintiff/Landlord Requirements**

During the pendency of the declared state of emergency, no Writ of Eviction will be issued by the Clerk on any Judgment for Possession RELATED to a failure to pay rent on residential property unless Plaintiff/Landlord files a Certification.

The Plaintiff/Landlord must Certify that:

(1) that the Plaintiff/Landlord has complied with all applicable notice requirements to the Defendant/Tenant that are contained in the Budget Amendments; and

(2) that the Defendant/Tenant has failed to pay in full the amount due and owing within 14 days and, if Plaintiff/Landlord is the owner of multi-dwelling units, the Defendant/Tenant has not entered into a payment plan, or Defendant/Tenant has not paid an installment required by the payment plan in accordance with the Budget Amendments; and

(3) that the Plaintiff/Landlord is entitled to the issuance of a Writ of Eviction because an exception to the moratorium on evictions contained in the Budget Amendments exists.

**Defendant/Tenant:**

A Defendant/Tenant may file a written Motion to Cancel a Writ of Eviction and allege in the written motion that the following circumstances exist:

- (1) the Judgment for Possession was entered BEFORE November 18, 2020 (the effective date of the Budget Amendments); and
- (2) the Writ of Eviction was issued by the Clerk ON or AFTER November 18, 2020; and
- (3) that Defendant/Tenant has not been provided the applicable Notice requirements of the Budget Amendments or that an exception to the eviction moratorium contained in the Budget Amendments does not exist.

The Motion to Cancel the Eviction must be filed with the Clerk no less than two (2) business days before the date scheduled for execution of the Writ of Eviction. Defendant/Tenant shall serve the Motion to Cancel the Eviction on the Sheriff and the Plaintiff/Landlord with a Notice of the hearing date.

Defendant/Tenant is not entitled to seek relief by a Motion to Cancel a Writ of Eviction if the Judgment for Possession was entered on or after November 18, 2020 or if the Writ of Eviction was issued by the Clerk before November 18, 2020 pursuant to prior Court Orders.

Nothing in this Order shall limit any other legal remedies available to the Defendant/Tenant, including a right of redemption available to a Defendant/Tenant contained in §55.1-1250 (D) of the Code of Virginia (as amended).

**B. Judgment for Possession UNRELATED to a Failure to Pay Rent on Residential Property, including Non-Residential Leases and Other Material Non-Compliance**

During the pendency of the declared state of emergency, no Writ of Eviction will be issued by the Clerk on any Judgment for Possession UNRELATED to a failure to pay rent on residential property unless Plaintiff/Landlord files a Certification with the Clerk. The Plaintiff/Landlord must Certify that the Writ of Eviction is UNRELATED to a failure to pay rent on residential property. The Clerk will not be required to determine which cases are covered properties subject to the moratorium on evictions and no Writ of Eviction will be issued by the Clerk unless Plaintiff/Landlord files a Certification.

III. Writ of Evictions issued before November 18, 2020 and pending service and execution

Nothing in this Order shall void any Writ of Eviction that was validly issued before November 18, 2020 and, currently, pending service or execution by the Sheriff.

IV. Prior Orders.

The Orders previously entered by this Court in relation to the Covid-19 emergency, to the extent not modified by this Order, shall remain in full force and effect.

November 30, 2020

DATED

JS Rucker

Jason S. Rucker, Chief Judge  
Arlington County General District Court