

<https://www.henricocitizen.com/articles/its-going-to-be-a-crisis/>



By Dina Weinstein, July 20, 2020

In just the second day of the Henrico COVID-19 Emergency Rental Assistance program, all the 500 printed applications for the help were gobbled up by county residents facing dire financial challenges resulting in an inability to afford rent money.

“Those 500 copies went fast,” said Paul Woodard, Henrico County supervisor of Adult Social Services. “I’m hoping lots of people, if they have been financially impacted by COVID-19 and are behind on their rent, will apply.”

The application also [is available online](#) in English and Spanish, Woodard said. Residents can download and print the application or request that one be mailed to them.

Launched on June 10, the emergency program – funded by \$360,000 from the federal CARES (Coronavirus Aid, Relief and Economic Security) Act – is available for qualifying, income-eligible households that have been impacted by job loss, furlough, reduction in hours of pay or other factors resulting from the economic downturn precipitated by the pandemic. The program is designed to prevent homelessness; assistance is intended for Henrico renters facing imminent loss of their residences. The latest Census data showed approximately 40% of Henrico residents are renters.

Through the program, Henrico will make rental payments of as much as \$1,500 per month on behalf of county residents who qualify. The payments, which can cover overdue rent, delinquency fees and court filing fees, will be made for as long as four months. Applicants must provide documentation regarding the economic impact of the pandemic on their finances and household income as well as additional verification.

‘It’s going to be a crisis’

Since COVID 19 made its presence in central Virginia in March, nearly 35,000 Henrico residents have filed initial unemployment claims, according to data from the Virginia Employment Commission. More

than 15,200 residents were still filing continuing unemployment claims during the week ending July 11, according to the VEC.

That lost income is creating what Equal Justice Works Fellow and Central Virginia Legal Aid Society attorney Palmer Heenan calls a pending eviction crisis.

Heenan fights evictions for low income area residents hit by job loss, furloughs and health issues in court. The number of cases has boomed since COVID-19 bashed the economy, he said.

“The people I represent are police officers, teachers, nurses, they have been furloughed from work or their hours have been cut back,” said Heenan. “Many are not eligible for unemployment. They’re struggling to make ends meet. They’ve never struggled before. Now It’s magnified and it’s going to be a crisis. These are middle class Americans who always had a stable job and can no longer afford to pay rent.”

On a recent Friday at the Henrico General District Court on Parham Road in the county’s West End, dozens of unlawful detainer cases were on the docket for Courtroom 3, with the majority of addressing missing rent payments from before COVID-19, aimed at more than a dozen residents at the Carriage Club Apartments on Fernwood Street.

Unlawful detainer filings are the first step in the eviction process; caseload statistics from Virginia General District Courts show there were 3,100 unlawful detainers filed in the Henrico General District Court from January to May of this year. During that same period, Richmond’s numbers were higher (4,008), while Chesterfield's were lower (1,972).

One of the residents sat outside the courtroom waiting to hand over a check to the lawyer representing the complex. The woman, who asked not to be named, said she was employed in an administrative position with a health care company which had, since the pandemic, cut her pay, decreased her hours by 20%, stopped matching payments to 401K plans and halted raises. She had applied for the rental assistance through ACTS agency.

“It’s all new and it can be confusing,” said the woman of the financial challenges she was facing. “I’ve been homeless, and it’s important to me not to get back to that situation. People going through evictions should know they have a couple of options. They can work with the property manager to come up with a payment plan or pay with a lump sum. There is a process. I feel optimistic, I have a plan.”

Henrico Courts statistics provided by the Central Virginia Legal Aid Society showed there have been approximately 150 unlawful detainer filings each week since reopening at the beginning of July. A June 29 report by the RVA Eviction Lab showed that there were 945 eviction cases pending in the Henrico courts.



‘It can feel alienating and unsettling’

In addition to Henrico County, several local nonprofits are working to assist those in danger of losing their housing. One such group is Area Congregations Together in Service, which is providing rent and mortgage relief for individuals and families. Applicants are asked to [fill out an online form](#) to connect to a caseworker.

These efforts scratch the surface of the anticipated crisis, as local residents face dramatic job and financial losses in an area already distinguished for high eviction rates. At 11.44% per 100 households, the Richmond area claims the second highest levels of evictions in the country, as documented by the Eviction Lab at Princeton University. Its data showed there were 6,345 evictions in Richmond in 2016, amounting to 17 households being expelled from housing every day.

With Virginia’s eviction moratorium lifted on June 29, a representative from the nascent Richmond Tenants Union who asked not to be named said that the all-volunteer group has been focusing primarily on the city of Richmond to organize tenant councils and associations and to help renters in dire financial straits understand and address the eviction process.

“A lot more people are falling back on rent,” the member said. “There’s going to be a massive eviction wave. So we are trying to inform tenants of their rights. We are trying to go to buildings and developments where there are a number of evictions in process and asking people if they want to get together to talk about the process. It can feel alienating and unsettling.”

But the capacity of the grassroots organization doesn’t reach into Henrico because of the COVID-19 social distancing restrictions and the outsized need in the city of Richmond. She said her organization seeks more volunteers to expand into Henrico, especially Spanish speakers who can convey the importance of informing renters of the ways to knowledgeably maintain stable housing.

She warned of the many scenarios where late fees and court fees are further tacked onto renters’ debts. She also cautioned renters that a verbal warning by landlords of an eviction by a certain date is not sufficiently legal and that renters need to explore and understand their rights and resources.

The RVA Eviction Lab, housed at Virginia Commonwealth University identified more than 1,000 eviction filings across 108 properties in the region that appear to have been filed despite those

properties being covered under the CARES Act eviction moratorium, in effect until July 25 – with 133 of these households in Henrico.

Heenan said statistics don't tell the whole story.

“A lot of renters leave voluntarily,” said Heenan. “In other cases, landlords use the judgement to hold over the [renters'] heads to make sure the renters stay current on the rent. Or landlords say: ‘I'm not going to make repairs. I'm going to move to evict.’”

Central Virginia Legal Aid Society is one of the groups advocating to Governor Ralph Northam for an extended eviction moratorium.

“Thousands of evictions are being done on any given year,” said Heenan. “Each eviction is not just a tenant, it's a family, each [often] has a spouse and children. Behind each case is an impact on a family and a community.”

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Resources for those facing eviction:

- [The Henrico County COVID-19 Rental Assistance program](#) will continue while funding is available. Additional information is available from Social Services and by calling (804) 501-5294. Applications are available for pick up at Social Services' offices at 8600 Dixon Powers Drive and 3820 Nine Mile Road;
- [Area Congregations Together in Service \(ACTS\) Rent and Mortgage Relief](#) – (804) 644-2401;
- [Central Virginia Legal Aid Society](#) – (804) 648-1012;
- [Tenant Resources from the Virginia Attorney General's Office](#);
- [Richmond Tenants Union](#)

<https://www.henricocitizen.com/articles/confusion-over-cares-act-protections-hang-over-henrico-civil-court-eviction-proceedings/>



The Glenwood Farms Apartment Community on East Laburnum Avenue. (Dina Weinstein for the Henrico Citizen)

By Dina Weinstein, July 20, 2020

Glenwood Farms Apartments resident Jacquie Anderson didn't know that attorney Palmer Heenan planned to show up to the Henrico General District Court Aug. 3 for the 10:30 a.m. docket, during which Anderson was facing an unlawful detainer proceeding for missed rent – the first step in the eviction process.

Misty Guthrie, the Apex Glenwood agent, stood before Judge George Barton Chucker in Courtroom 2, to get the wheels of eviction in motion for Anderson, a single, disabled, unemployed grandmother who walks with a cane and cares for her disabled grandson from their home.

Anderson was the first of 20 residents against whom the Apex Glenwood corporation was filing unlawful detainers, when Heenan (who serves as a Central Virginia Legal Aid Society Equal Justice Works fellow) and Lonnie D. “Chip” Nunley, III, (a Richmond lawyer who performs pro bono work with Central Virginia Legal Aid Society) addressed the judge at the front of the courtroom next to the Henrico renter facing ejection from her home.

Heenan and Nunley didn’t represent any particular client on the docket. The men had never met any of the residents, but concerns had arisen about Apex Glenwood because the property appeared to have filed several eviction lawsuits in violation of the CARES Act – raising red flags for the two lawyers committed to indigent residents in need.

“As a consequence, I am going to go to make sure those case get dismissed,” said Heenan.



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CARES Act eviction protection

Congress passed the Coronavirus Aid, Relief, and Economic Security, or CARES Act, to aid people and businesses harmed by the deadly pandemic’s economic punch. The act’s temporary eviction moratoria and rent freeze implemented in states and localities by governors and local officials used emergency powers to halt the disruption of eviction and assist renters and owners.

Section 4024 of the CARES Act “provides a temporary moratorium on eviction filings as well as other protections for tenants in certain rental properties with federal assistance or federally related financing,” according to a government document explaining its purpose. “The CARES Act prohibits landlords from being able to force a tenant to vacate a covered dwelling for nonpayment or any other reason until after August 24, 2020. Tenants are not absolved of the responsibility of paying rent.”

The simplified Congressional report acknowledges renters asserting their rights in such a property are bound to be confused by the status and rules.

Indeed, Heenan and Nunley's presence in the courtroom seemed to throw Guthrie and Judge Chucker even while Nunley presented Chucker with Virginia Attorney General Mark Herring's advisory opinion outlining the various state and federal tenant protections that are currently in place to help Virginians stay in their homes during the deadly COVID-19 pandemic.

By the numbers

Heenan and his cohorts came to Richmond to address the area's high eviction rates pre-COVID-19. The virus has exacerbated the issues that put especially low-income residents at risk to lose housing, leading to what experts are calling an eviction crisis as Americans face dramatic job and financial losses in an area already distinguished for high eviction rates.

At 11.44% per 100 households, the Richmond area claims the second highest levels of evictions in the country, as documented by the Eviction Lab at Princeton University.

Caseload statistics of the Virginia General District Courts show there were 3,100 unlawful detainers, the first step in eviction proceedings, filed in the Henrico Civil Court from January to May 2020 which is a 32% decrease from last year's numbers. During that same period, Richmond's numbers were higher at 4,008. There were 1,972 evictions in Chesterfield during that period.

Visualized data from virginiacourtdata.org on the Legal Aid Justice Center's "Eviction Tracker" website shows there are 619 total unlawful detainer hearings scheduled between July 26 and Sept. 14 in Henrico County.

According to the RVA Eviction Lab based at Virginia Commonwealth University, 1,055 eviction filings in Richmond, Henrico and Chesterfield courts fall under the protections put in place by the CARES Act eviction moratorium that was in effect until July 25 – with 133 of these households in Henrico, One-hundred thirty-one of those total cases were filed after the moratorium took effect on March 27. Eighty unlawful detainers were on the Henrico Court docket with Anderson and her neighbors at the Henrico District Court, beginning the eviction process.

[caption id="attachment_47891" align="aligncenter" width="700"]



A sign reminding residents that their rent payments are due at the Glenwood Farms Apartment Community on East Laburnum Avenue. (Dina Weinstein for the Henrico Citizen)[/caption]

‘I just prayed, and God sent me two angels’

While Heenan and Nunley weren’t representing the 20 Apex Glenwood residents on the docket facing unlawful detainers, for Anderson, who struggles financially and is still waiting for unemployment and disability assistance, the lawyers showing up to express their concern that the unlawful detainers were filed in violation of the CARES Act, were an unexpected godsend.

“I didn’t even know what the CARES Act was,” said Anderson. “I just prayed, and God sent me two angels. I say: ‘Thank you Jesus.’”

When Chucker returned to the bench from a recess to research the CARES Act, he dismissed the 20 cases without prejudice, meaning the cases could be refiled but the landlord would have to give 30 days’ notice to the residents at fault.

A group of Anderson’s neighbors on the docket grouped around Heenan and Nunley after the cases were dismissed to understand what had just happened, a feeling of relief but also tension in the air.

“This doesn’t mean they can’t refile the case,” Heenan told the group, explaining he was from Central Virginia Legal Aid Society discussing the resources it offers. “Rent keeps coming due, but [Apex Glenwood] is not allowed to file late fees for April, May, June or July.”

He encouraged the group to pursue rental assistance from Henrico County and ACTS, a nonprofit also offering aid.

“Nobody calls you back,” one resident replied.

“Stay on them like white on rice,” Heenan replied.

‘Phenomenal’ and ‘miraculous’

The residents of Glenwood Farms Apartments, located on East Laburnum Avenue near Mechanicsville Turnpike, had stories of hardship understood as a byproduct of economic struggle pre-COVID and during the pandemic. A story of tenants frustrated with management came forth as the details of lack of upkeep emerged. Denitra Lipscomb lost her job as a certified nurse assistant and fell back on rent payments.

“After one day there was a note on the door that I had to pay the money I owed or they were going to take possession,” said Lipscomb, who described Heenan and Nunley’s intervention as phenomenal and miraculous. “My plan was to come in [and work it out with the rent.] I already paid a large sum. I was asking for a 30 day extension. I’ve been praying for someone to explain tenants’ rights. I was going to inquire with the judge about tenants’ rights. There are a lot of violations. There’s rodents and infestations. Yet they still continue to charge. I’m trying to be professional and they get nasty or they don’t answer. A lot of issues go unanswered. These situations feel helpless . So I am very thankful.”

Jazmine Garren, who is 9 months pregnant said she stopped paying rent because of needed maintenance including a leaking ceiling, a bathtub in need of glaze, and a non-working refrigerator.

“I wouldn’t mind paying if they fixed [these things],” said Garren.

Another resident said her stove didn’t work properly.

The company has a history of evictions and is currently a defendant in lawsuits brought by the City of Richmond, Department of Public Utilities, and a plumbing company. Phone calls and a message left for management this week were not returned. An employee at the property's leasing center who gave her name to a Citizen reporter Aug. 12 but asked that it not be used said she was not at liberty to discuss the matter and that she would pass the request for comment on to the company's attorneys.

Heenan said poor conditions are often a precedent for an eviction because tenants often don’t feel that they need to pay for the sub-par circumstances. To address that, he said tenants could put rent in an escrow until repairs are made.

“This property is indicative of the [eviction] issue,” said Heenan. “Chances are a judgement would have been granted and these folks would be facing eviction. That’s concerning because it would put folks on the street where they would face [the deadly health dangers of] COVID.”

He said organizations like the Central Virginia Legal Aid Society help to keep people in their homes with small staff and volunteers, but renters can check the Low Income Housing Coalition database to understand if a property falls under CARES Act.

Moratorium issued

Last month, Virginia Gov. Ralph Northam called on the Virginia Supreme Court to suspend all eviction cases in the state because of the economic hardships and health emergency. And the moratorium was issued on Aug. 7 to run from Aug. 10 to Sept. 7.

But Heenan said while the moratorium was a good thing, and more expansive than the CARES Act, it was limiting because it only applied to the actual physical removals during evictions and not the unlawful detainer hearings, which will continue.

The Virginia Poverty Law Center had stronger words they quickly posted: “We applaud the Virginia Supreme Court’s decision to halt evictions through September 7 — but we must make sure tenants in Virginia are protected beyond September 7 and throughout this pandemic. We look to Governor of Virginia Northam and members of the General Assembly to use their authority in the special session to protect tenants by passing legislation to stop all eviction activities so tenants won't have to choose between their homes and their health.”

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Eviction resources

- Rental assistance aid from Henrico County: <https://henrico.us/services/henrico-covid-19-emergency-rental-assistance/>
- ACTS, a nonprofit offering rental assistance: <http://actsrva.org/>
- Central Virginia Legal Aid Society: <http://cvlas.org/>

<https://www.henricocitizen.com/articles/its-like-trying-to-pull-a-rabbit-out-of-a-hat/>



By Dina Weinstein, Oct. 8, 2020

Falling back on rent payments brought Keona Anthony to Henrico Civil Court Friday, Oct 2 to face an unlawful detainer case, the first step in the eviction process. When Anthony's case was called in front of Judge Lauren Caudill in courtroom 3, the Centers for Disease Control's Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 was like a shield from the very real threat of the single mother being kicked out of her home. The CDC affidavit keeps Anthony in her home for now.

Anthony, who said she lost her job working at a group home for adults with intellectual disabilities when it closed because of COVID, applied for rental assistance after her apartment complex sent her an email about the program. Her second job has much shorter hours and a dramatic pay cut. Meeting her financial obligations and catching up with her debts is a difficult task.

"It's like trying to pull a rabbit out of a hat," Anthony said about coming up with enough funds to survive in her current economic situation. "How am I going to provide? I have a 15-year-old son with a size 14 shoe. There's food, electric, I need internet for his school. In the middle of all this, I was raised by an uncle who had nowhere to stay, [so he had to stay with me] and died in my home. I had to pay for the burial. I applied for assistance, did odd jobs. I have siblings with children and help them. I go to food pantries. That helps a lot."

After Anthony's case, Caudill called up Maurice and Sharon Lewis, grandparents who work in food service jobs and who contracted COVID in the spring. Between their illness, convalescence and lost income, they missed rent payments. But they did not know about the CDC moratorium even as they pursued assistance from the nonprofit-led Area Congregations Together in Service (ACTS) Rent and Mortgage Relief, keeping their eviction at bay for a few months.

The CDC's Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 is a temporary shield that stops evictions for those who vouch that their inability to pay rent stems from job

loss due to COVID. It went into effect last month and ends Dec. 31. Those seeking its protection must sign an affidavit vouching that the resident has used best efforts to obtain all available assistance for rent or housing and that eviction would render the individual homeless. There have been 5,549 confirmed COVID-19 cases in Henrico County.

Late last month, Virginia Governor Ralph Northam announced the expansion of the [Rent and Mortgage Relief Program](#), which launched at the end of June with \$50 million in federal Coronavirus Aid, Relief, and Economic Security Act funding to assist households facing eviction or foreclosure due to COVID-19. Under the RMRP program, landlords can now apply to receive financial assistance for current and past-due rental payments dating back to April 1 on behalf of their tenants who qualify.

Last Thursday, the U.S. House of Representatives [passed a \\$2.2 trillion coronavirus relief package](#). Among the elements in the bill: a complete ban on eviction filings over nonpayment. That's a far stronger action than Congress or the White House has taken previously, [CityLab reported](#).

The Bloomberg publication reported the legislation that Democratic lawmakers passed would prevent landlords from filing evictions for nonpayment for a full year after the bill is passed. It would further prohibit foreclosures over nonpayment over the same period and enact automatic forbearance for delinquent borrowers to address the needs of struggling homeowners. Also included in the bill are \$50 billion in emergency rental assistance funds and a homeowner assistance fund with up to \$80 million for each state, along with other types of aid to blunt the economic damage wrought by the pandemic.

But whether such a relief package will ultimately pass the Senate and earn President Trump's signature is unclear at best; Trump this week first signaled he would not negotiate with Democrats before the election, but soon thereafter indicated he might.

These measures would have an impact in the Richmond area, which the Princeton Eviction Lab listed as having one of the top eviction rates in the country before the COVID-19 pandemic. Virginia Courts Data statistics show during the summer months Henrico courts saw between 2,900 and 2,200 unlawful detainer cases a week. Virginia Commonwealth University's RVA Eviction Lab reported in June 2020 there were 945 eviction cases pending in Henrico courts.

Court data shows that between June 29 and Oct. 2, a total of 1,358 unlawful detainer hearings took place in Henrico. This week alone, 363 were scheduled. Another 170 already were scheduled for the next six weeks.



Standing alone before the judge

On Friday morning, in case after case in Henrico Civil Court, defendants in danger of being evicted from apartment complexes that have already ejected hundreds this year stood on their own, without any legal representation, before Caudill and a lawyer representing the Solodar Corporation, one of the top law firms to represent properties evicting residents in Henrico court, according to Virginia Courts Data.

There were a total of 290 cases pending, including unlawful detainers. Caudill read out the charges and the amounts due in each case that ballooned with court fees, late fees, utility bills and lawyer fees stacked on. In case after case, defendants acknowledged their debts.

At last count, Henrico had a 6.8% unemployment rate, which is double what it was last year at this time, according to the [U.S. Bureau of Labor Statistics](#). A number of defendants in courtroom 3 had sought rental assistance from various sources, including ACTS. Fewer sought, offered and provided affidavits from the CDC to stop their eviction.

“Thank you for taking steps [to stay your eviction],” Caudill told a young couple at one point.

Some plaintiffs didn’t contest charges at all. In some cases, Caudill admonished defendants.

A young father who left a low-skill job where his colleagues contracted COVID said he chose to stay at home with his baby and partner. Caudill chastised him for leaving a job where his health was in danger: “You had employment and you chose to walk away from that?”

Working as laborers, orderlies, home health aides, service workers and fast food restaurants cooks, numerous defendants spoke of the COVID-months travails being furloughed from work, having their hours cut back, looking for work during the pandemic, avoiding work when co-workers tested positive for COVID, and of the challenges finding new jobs.

In case after case, people offered up their stories and situations, many with confidence, some with trepidation, some with prompting. In numerous cases where a defendant explained an economic challenge, Caudill asked: “What have you done to apply for rental assistance?” without outright naming the [Henrico County COVID-19 Rental Assistance program](#) or the nonprofit-led [Area](#)

[Congregations Together in Service Rent and Mortgage Relief](#). Numerous applicants have complained communication with these short-staffed programs have been difficult.

When a defendant said she applied for assistance from a nonprofit but did not supply proof, Caudill and the plaintiff's attorney exchanged wary looks.

When Caudill asked: "Does anyone here have a CDC affidavit?" Lawrence Hewlett raised his hand and showed the document to the judge. Hewlett said he was furloughed from his job as a utility contractor in April and only started working again in September. His sister-in-law told his wife about the CDC program and the need to procure an affidavit. The office of his apartment complex was passing out the information, he said.

"If it works, it's good. I can catch up [with the rent]," said the father of three who is scheduled to come back to court for his case, which was continued in January.

Central Virginia Legal Aid Society

For some people facing eviction in the region, seeking out the assistance of Central Virginia Legal Aid for representation affords a knowledgeable advocate by their side during judgement. That's where Palmer Heenan, attorney and Equal Justice Works Fellow at Central Virginia Legal Aid, often steps in with housing law acumen that makes an impact before decision-makers like Caudill.

Earlier in the week, Heenan stood before Caudill in the same courtroom representing renters to stop their eviction based on the CDC moratorium. At one point in the proceeding, which ended in favor of the tenant, Caudill and Heenan discussed the correct way the court should approach the CDC eviction moratorium.

"I try to tell my tenants to get the paperwork for the Emergency Rental Assistance. I tell the tenants about the [CDC] program," said Andrew Hollick, the Heenan's clients' landlord, after the hearing and after Heenan and the renters discussed the outcome in the hallway outside the court. "The tenants have to do their part, which is pay something. But they weren't making an effort. I still need to pay the mortgage, taxes and insurance. People think the landlords own the property, but it's the banks that own the property."

Heenan said the CDC moratorium is confusing for the court.

"But I believe the cases should be dismissed. At a minimum, the cases should be continued until after Dec. 31. A judgement shouldn't be granted," said Heenan.

Prayer and a document

Back in courtroom 3, an elderly, divorced and out-of-work home health aide, who declined to give her name, held her CDC affidavit and her handwritten notes like a life raft keeping her in her home and eviction at bay.

The essential healthcare worker lost her job in June when work ceased. She has since been sporadically employed or unemployed. That economic hit led the resident to stop paying rent in April at 11 North at White Oak. The property's owners are the top evicting plaintiff in Henrico, having ousted 165 households in 2020, according to Virginia Courts Data.

“It’s the first time I’ve been in this stressful situation,” she said after Caudill ruled her case is continued until Jan. 8. “I’m so blessed. I prayed and prayed. Oh, Lord, I was sitting there in the courtroom praying for the other people. I’m so grateful they’re not going to throw me out of my place.”

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Resources for those facing eviction

- The [Henrico County COVID-19 Rental Assistance program](#) will continue while funding is available. Additional information is available from Social Services and by calling (804) 501-5294. Applications are available for pick up at Social Services’ offices at 8600 Dixon Powers Drive and 3820 Nine Mile Road;
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- [Tenant Resources from the Virginia Attorney General’s Office](#);
- [Richmond Tenants Union](#)
- [The Centers for Disease Control’s Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19](#)