

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 55.1-1260, 55.1-1261, and 55.1-1262 of the Code of Virginia and to
2 repeal the fourth enactment of Chapter 355 and the fourth enactment of Chapter 356 of the Acts of
3 Assembly of 2019, as amended by Chapter 797 of the Acts of Assembly of 2022 and Chapters 32
4 and 42 of the Acts of Assembly of 2024, relating to Eviction Diversion Pilot Program; name
5 change; general application; expiration repealed.

Be it enacted by the General Assembly of Virginia:

7 **1. That §§ 55.1-1260, 55.1-1261, and 55.1-1262 of the Code of Virginia are amended and reenacted**
8 **as follows:**

Article 7.

Eviction Diversion ~~Pilot~~ Program.

§ 55.1-1260. Establishment of Eviction Diversion Program; purpose; goals.

12 A. There is hereby established the Eviction Diversion ~~Pilot~~ Program (the Program) within the
13 existing structure of the general district courts ~~for the cities of Danville, Hampton, Petersburg, and~~
14 ~~Richmond~~ of the Commonwealth. The purpose of the Program shall be to reduce the number of evictions
15 of low-income persons. Notwithstanding any other provision of law, no eviction diversion court or
16 program shall be established except in conformance with this section.

17 B. The goals of the Program shall include (i) reducing the number of evictions of low-income
18 persons from their residential dwelling units for the failure to pay small amounts of money under the
19 rental agreement, in particular when such persons have experienced an event that adversely affected
20 financial circumstances such as the loss of employment or a medical crisis in their immediate family; (ii)
21 reducing displacement of families from their homes and the resulting adverse consequences to children
22 who are no longer able to remain in the same public school after eviction; (iii) encouraging
23 understanding of eviction-related processes and facilitating the landlord's and tenant's entering into a
24 reasonable payment plan that provides for the landlord to receive full rental payments as contracted for

25 in the rental agreement and for the tenant to have the opportunity to make current such rental payments;
26 and (iv) encouraging tenants to make rental payments in the manner as provided in the rental agreement.

27 **§ 55.1-1261. Eviction Diversion Program; administration.**

28 Administrative oversight of the implementation of the Program and training for judges who
29 preside over general district courts ~~participating in the Program~~ shall be conducted by the Executive
30 Secretary of the Supreme Court of Virginia (Executive Secretary).

31 **§ 55.1-1262. Eviction Diversion Program; process; court-ordered payment plan.**

32 A. A tenant in an unlawful detainer case ~~shall~~ may be eligible to participate in the Program, at the
33 discretion of the court, if he:

34 1. Appears in court on the first docket call of the case and requests to have the case referred into
35 the Program;

36 2. Pays to the landlord or into the court at least 25 percent of the amount due on the unlawful
37 detainer as amended on the first docket call of the case;

38 3. Provides sworn testimony that he is employed and has sufficient funds to make the payments
39 under the court payment plan, or otherwise has sufficient funds to make such payments;

40 4. Provides sworn testimony explaining the reasons for being unable to make rental payments as
41 contracted for in the rental agreement;

42 5. Has not been late within the last 12 months in payment of rent as contracted for in the rental
43 agreement at the rate of either (i) more than two times in six months or (ii) more than three times in 12
44 months;

45 6. Has not exercised the right of redemption pursuant to § 55.1-1250 within the last six months;
46 and

47 7. Has not participated in an eviction diversion program within the last 12 months.

48 B. The court shall direct an eligible tenant pursuant to subsection A and his landlord to
49 participate in the Program and to enter into a court-ordered payment plan. The court shall provide for a
50 continuance of the case on the docket of the general district court in which the unlawful detainer action

51 is filed to allow for full payment under the plan. The court-ordered payment plan shall be based on a
52 payment agreement entered into by the landlord and tenant, on a form provided by the Executive
53 Secretary, and shall contain the following provisions:

54 1. All payments shall be (i) made to the landlord; (ii) paid by cashier's check, certified check, or
55 money order; and (iii) received by the landlord on or before the fifth day of each month included in the
56 plan;

57 2. The remaining payments of the amounts on the amended unlawful detainer after the first
58 payments made on the first docket call of the case shall be paid on the following schedule: (i) 25 percent
59 due by the fifth day of the month following the initial court hearing date, (ii) 25 percent due by the fifth
60 day of the second month following the initial court hearing date, and (iii) the final payment of 25 percent
61 due by the fifth day of the third month following the initial court hearing date; and

62 3. All rental payments shall continue to be made by the tenant to the landlord as contracted for in
63 the rental agreement within five days of the due date established by the rental agreement each month
64 during the course of the court-ordered payment plan.

65 C. If the tenant makes all payments in accordance with the court-ordered payment plan, the judge
66 shall dismiss the unlawful detainer as being satisfied.

67 D. If the tenant fails to make a payment under the court-ordered payment plan or to keep current
68 any monthly rental payments to the landlord as contracted for in the rental agreement within five days of
69 the due date established by the rental agreement, the landlord shall submit to the general district court
70 clerk a written notice, on a form provided by the Executive Secretary, that the tenant has failed to make
71 payments in accordance with the plan. A copy of such written notice shall be given to the tenant in
72 accordance with § 55.1-1202.

73 The court shall enter an order of possession without further hearings or proceedings, unless the
74 tenant files an affidavit with the court within 10 days of the date of such notice stating that the current
75 rent has in fact been paid and that the landlord has not properly acknowledged payment of such rent. A
76 copy of such affidavit shall be given to the landlord in accordance with § 55.1-1202.

