



# 2024 Legislative Agenda

Updated 1/16/2024

HOME ensures equal access to housing for all people. Our policy work advances this mission by protecting and advancing the housing rights of those whose housing choices have been historically restricted or are currently limited due to segregation and discrimination. We seek to protect equal access to homeownership, fair credit, neighborhood choice, and housing that is safe, affordable, and free from discrimination.

## **Fair Chance Access to Housing (SB588/HB1207)**

Patrons - Senator Louis Lucas and Delegate Cliff Hayes

Tenant screening practices pose discriminatory barriers to housing access, especially for those with a criminal record. Due to these barriers, formerly incarcerated Virginians are ten times more likely to face homelessness. The bill will create fair access to affordable housing by requiring affordable housing providers to conduct a nuanced individual assessment rather than create a blanket ban on applicants with criminal records.

## **Transparency in Tenant Screening (HB996)**

Patron - Delegate Bonita Anthony

Many tenants get turned away from housing based on results of third-party tenant screening reports and don't know the reason for the denial. HB996 creates transparency in the rental application process by requiring landlords to disclose the amount of the application fee, what information about the applicant they will review, and what criteria will result in an automatic denial. If the landlord denies the tenant's application, the landlord must provide the tenant with a detailed notice with the reasons for the denial and a copy of the consumer report on which the landlord relied.

## **Fix Process for Amending Eviction Court Papers (HB86)**

Patron - Delegate Patrick Hope

HB86 protects the due process rights of defendants (tenants) in eviction cases by requiring plaintiffs (landlords) to notify defendants of their intent to increase the amounts they are seeking in the lawsuit and what those amounts may be. Under current law, landlords can file an eviction lawsuit and then - without notice to the tenant - amend the filing at the court hearing to add amounts they had not listed on the lawsuit, but which they claim have accrued since the filing; the court *must* grant the amendment. This results in tenants getting sued for one amount and then without notice or meaningful opportunity to answer any changes to the lawsuit, receiving judgments against them for significantly higher amounts. HB86 reinstates the requirement that plaintiff landlords give notice to defendant tenants before they can amend the lawsuit upwards.



## **End Bifurcation in Eviction Cases (HB740)**

Patron - Delegate Rae Cousins

This bill provides defendants in eviction cases with a meaningful opportunity to have their day in court before getting evicted by ending the practice of bifurcation in eviction lawsuits where the sole basis for the eviction is for unpaid rent. Under current law, judges are required to bifurcate eviction cases upon request of the plaintiff, meaning the judge must grant the plaintiff a judgment for immediate possession and allow the plaintiff to take the next steps to evict the defendant, and continue the remainder of the case for up to 120 days to determine final rent and damages. This occurs most often where the defendant admits to the court that they owe some amount of rent, but disagrees as to the amount the plaintiff alleges they owe. This bill restores the due process rights of defendants by prohibiting bifurcation in rent cases.

## **Tenants' Assertion Reform (HB1251)**

Patron - Delegate Rae Cousins

Right now, tenants cannot take their landlords to court for bad conditions unless they are current on rent and pay ongoing rent into escrow with the court. This bill will remove the requirement that tenants be current on rent and give them the option of paying rent into court or directly to the landlord. By reforming the Tenant's Assertion statute this way, tenants may more easily assert their right to safe and habitable housing.

## **Strengthen Anti-Retaliation Laws (HB817)**

Patron - Delegate Adele McClure

This bill creates additional protections against retaliation for tenants attempting to assert their rights. It expands on the types of prohibited retaliatory conduct and types of protected tenant activity. It also makes it easier for tenants to bring retaliation claims by placing the burden of proof on the landlord.

## **Extend the Eviction Diversion Pilot Program (SB50/HB477)**

Patron – Senator Mamie Locke and Delegate Carrie Coyner

The Eviction Diversion Pilot Program is set to expire on July 1, 2024, but we need more time to improve the program so that it works for more tenants and assess what does and doesn't work. HOME supports extending the sunset of the Eviction Diversion Program to July 1, 2025, and calls on the legislature to form a work study group to figure out how to fix or reform the program.

**For more information contact:**

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