



Avoiding Eviction in Virginia with Accommodations

An important law for a renter with a disability (RWD) is the Fair Housing Act. A landlord cannot treat a RWD differently than other renters and must provide an accommodation* if necessary for the renter to fully use and enjoy their home. RWDs have extra protections in the eviction process. Even if the RWD's behavior violated the lease and would normally lead to an automatic eviction, the landlord must take extra steps to protect the RWD.

If the landlord knows or suspects that a renter has a disability, they may not automatically evict them for a lease violation. Before evicting the renter, the landlord must ask them if there is an accommodation that would help lessen the effect of the behavior and allow the RWD to stay in their home. This is true even if the RWD never asked for an accommodation.

If a RWD's behavior caused them to violate the lease and there is a link between the behavior and their disability, an accommodation may help them avoid eviction. If the landlord can change a rule so that a RWD can stay in their home, the landlord must do so unless the change would cost too much or require the landlord to provide extra services they don't usually provide.

A RWD may challenge an eviction based on their disability at any point in the eviction process, even at the trial or after eviction. However, it is best to address the issues as soon as possible.

Examples of accommodations to avoid eviction:

1. RWD pays his rent late every month because he doesn't get his Social Security check until the third or fourth day of the month. Asking for the due date to be changed to the fifth day of the month would be a reasonable request.
2. Renter is facing eviction because her child with ADHD damaged a wall in their apartment. The renter may request that she be given time to seek treatment for her son's ADHD. She would still have to fix the damaged wall, but it may help her family stay in their apartment.
3. Renter faces eviction because the landlord says her apartment is so dirty and cluttered that it creates a risk for fire and roaches. If the renter has a physical or mental disability, that makes housekeeping difficult or impossible, a reasonable request might be to delay the eviction case so that she can hire someone to help her clean the clutter.

*An accommodation is a change in rules or policies needed by a person with a disability to live in and enjoy his home in the same way as other renters.