




# EVICTIIONS

**Renters:  
Know Your Rights!**

Even if you owe rent or break your lease, your landlord **CAN'T**:

- |   |  |  |
|---|--|--|
|  Change the locks to make you leave |  Shut off your utilities (lights, water, gas) |  Set your things on the street before the sheriff comes |
|---|--|--|

If this happens to you, call Legal Aid or Conexión Américas.

Your landlord **CAN** ask you to move out if you don't have a lease, your lease ends, or you break your lease.

You might be breaking your lease if you:

- Don't pay your rent or are more than 5 days late
- Have someone living with you who isn't on the lease
- Threaten to do or do something dangerous



**Have a lease? CHECK IT! You might have agreed to...**

- "Waive written notice." Then your landlord can take you to court **without warning** if you're more than 5 days late on your rent.
- Pay a **penalty** (like two months' rent) if you move out early.
- Pay the rent, court fees **AND** the cost of the landlord's lawyer if you get evicted.

You **MAY NOT** have to move if you pay the rent or fix the problem, if your lease says you can do so. If you don't move or fix the problem by the time your notice ends, your landlord can take you to court.

**GO TO COURT! If you don't, your landlord will win automatically.**

**Be prepared when you go to court.**

Do you need more time to get a lawyer or find a new place? **Ask the judge** for a two week continuance. The judge might agree to move back your court date.

Did you pay your rent late and your landlord took it? **Show the judge** your receipt or canceled check. The judge might not make you move.

Did you fix the problem that you were being evicted for? **Show the judge** proof that you did. The judge might not make you move.



LEGAL AID SOCIETY  
OF MIDDLE TENNESSEE AND THE CUMBERLANDS

(833) 837-HOME



conexión  
américas

(615) 701-7957



# What does the Eviction Process look like?

Note: This only applies to tenants in private rentals. The process is different for MDHA or Section 8 housing.

## Why am I being evicted?

### RENT PAST DUE



If you **don't pay your rent within 5 days** of when it's due, your landlord can start the eviction process. Your landlord **doesn't have to accept late rent**.

### LEASE VIOLATION



If you or your guests **do something your lease says you're not allowed to do**, your landlord can start the eviction process.

### LEASE EXPIRED



If your **lease ends** or you **don't have a lease**, your landlord can start the eviction process **for any reason**.

## How long do I have before court?

If you never had a lease or your lease didn't "waive written notice", you get **14 days** to pay. If you've **already been late** in the last 6 months, you'll only get **7 days notice** and **no chance to pay**.

**Check your lease!** If you agreed to "waive written notice," your landlord can skip this step and take you straight to court.

**At minimum**, your landlord should give you in writing:

- **3 days notice** for "threats to health and safety" (ex: violence, crimes)
- **14 days notice** for things like noise or housekeeping. If your lease says so, you **might be able to stay** if you **fix the problem**.

Your landlord should give you at least a **30-day notice** in writing, starting on the day that your rent is due.

## What do I do when my notice ends?

After your notice ends, your landlord will file a **Detainer Warrant** (notice to go to court). You must receive a copy **at least 6 days before court**. It usually comes from the sheriff or a process server, but it might come in the mail if they try to deliver it and you're not home.

If you receive a Detainer Warrant, **GO TO COURT!** If you miss court, your landlord wins automatically and you will lose your home!



## What happens when I go to court?



When you go to court, you have the right to ask the judge to **push back your hearing** for up to **15 days** by asking for a "continuance." You can use this time to **find an attorney** or try to **come up with missing rent**.

If your landlord wins in court, you still have **10 days to move** before you can be forced out.

**After 10 days**, the landlord can get a "writ of restitution." This allows the sheriff to come and forcibly remove you and your belongings from the property. The sheriff will usually come **24 to 48 hours** after your landlord files for the writ.



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