

ARE YOU BEHIND ON RENT?



If your landlord is trying to evict you because you're behind on rent, **you still have options**. If you want to avoid being forced to move out of your home, also known as an order of possession or an eviction order, you have two main options: a "pay and stay" or an "agreed moveout."

	Order of Possession	Pay and Stay	Agreed Moveout
Will I get to stay in my home?	Probably not	Yes	No
Will I have an eviction on my record?	Yes	No	No
Will I have to come back to court?	Probably not	Probably	Probably
How much time will I have to move out?	10 days	Until the end of your lease	Until the date you agree on
When will I have to pay?	After you move out	By the date you agree on	After you move out

You don't have to reach an agreement with the landlord's attorney.

You have the right to say no and request a **trial**. You can also ask the judge for a **continuance** if you need more time before the trial. Because you're behind on rent, the judge will probably decide that you can't stay in the apartment.

But even if you have to move out, you can still use a trial to ask the judge to correct the amount you owe or for more time to move out. The judge doesn't have to say yes, but you have the right to try. Even if you lose in court, you still have **10 days** to move out.

Ask to "continue" your case while you're making payments or moving out and "nonsuit" the case when you're done.

This means you'll have one or more court dates where you'll be able to come back and show the judge that you're either making payments on time or that you moved out when you said you would. When you're all caught up or moved out, the eviction case against you will be "non-suited" or dismissed.

If you don't agree with the amount your landlord says you owe, don't sign.

Ask for a trial and explain to the judge why the number is wrong. Even if you lose, you'll still have 10 days to move out.

The information provided here does not and is not intended to constitute legal advice. If you have a legal problem, please call a private attorney or call your local Legal Aid Society of Middle Tennessee and the Cumberland office at 1-800-238-1443 or the Nashville Hispanic Bar Association at 1-615-701-7957. Revised 5/23.