

# EVICTIONS

**Renters:  
Know Your Rights!**

Your landlord **can** take you to court if you owe rent or break your lease, but they **CAN'T**:



Change the locks to make you leave



Shut off your utilities (lights, water, gas)



Set your things on the street or remove them from the property

**If this happens to you, call Eviction Right to Counsel.**

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 one-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.



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# 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 or partial payments.**

### 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**. Usually, the sheriff or a process server posts it on your door. 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 **7 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.



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