

NEGOTIATING WITH YOUR LANDLORD

Is your landlord trying to evict you because you're behind on rent?

You still have options, so it's important for you to go to court.

If you don't go, you'll **lose** automatically.

Be early. Bring any proof of payments or agreements with you.

Before you sign anything, ask if it is an “order of possession.”

An order of possession is a court order saying that your **landlord gets the unit** and the **sheriff can evict you after 10 days**. It is also an eviction order that **future landlords might hold against you**.

There are **two** basic kinds of agreements you can try to negotiate that are **not** orders of possession.

“Pay and stay”

If you think you can **get caught up on rent**, ask for a “pay and stay.” This is an agreement that says **if you can get caught up on what you owe, you can stay in the unit**. You should:

1. **Ask for a copy of your ledger** or balance sheet.
2. **Make a schedule** for how you'll pay the full amount (including rent for next month). Be clear about **how much** you'll pay on **what dates**.
3. **Ask how they want you to pay**. For example, should you pay the landlord's attorney or the leasing office? Can you send in partial payments? Can you pay with a money order or through an online portal?
4. **Get the agreement in writing and keep a copy (or take a photo)**.

“Agreed moveout”

This is a deal that says you will **move out on a particular day**. Usually, it **doesn't decide** the question of **whether you owe your landlord money or how much**. You should:

1. **Explain to the landlord you're willing to move**. Tell them your circumstances and how many days you need. You can ask for as much time as you need, but it's uncommon for a landlord to agree to more than an extra month.
2. Make sure to get the agreement **in writing**, including the **date** and **time** you will be out by.
3. The judge will probably reset your case for a **damages hearing** after you move, which is when they'll decide **how much you owe your landlord** for rent and legal fees.

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 or your landlord's attorney 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 dismissed.



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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.

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.

Even if you lose in court, you still have **10 days** to move out.

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.

Know the difference before you sign!

	Agreed Order of Possession	Pay and Stay	Agreed Moveout
What is it?	<i>Submitting an order to the court agreeing to move out and pay damages</i>	<i>Negotiating a payment to the landlord so the case is dismissed or non-suited</i>	<i>Agreeing to move out by a certain date so the case is dismissed or non-suited</i>
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



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