

# The Eviction Process

Note: Information provided by the Community Alliance of Tenants is for general educational use only. It is not a substitute for the advice of an attorney.

**This is a general overview of the eviction process. Your situation may be different, particularly if you are in subsidized housing or rent a space for a mobile home. Get legal advice!**

**Notice of Termination**

- ◆ Must be in writing and must be given to you properly (handed to you, mailed to you with three extra days, or posted and mailed to you if the agreement allows).
- ◆ The fact that you received an eviction notice can be reported to people calling for references
- ◆ **Your landlord cannot lock you out until the very end of the eviction process and only with the presence of a sheriff (see Step 7).**

<p style="text-align: center;"><b>30-day No Cause NOTICE</b></p> <p>The Landlord does not have to give you a reason. You may have a defense if the notice was given because of retaliation (asking for repairs, for example) or discrimination. If you think the landlord is giving you this notice because of your violation of the rental agreement, try to talk with your landlord to solve the problem and prevent the termination.</p>	<p style="text-align: center;"><b>30 day For Cause Notice</b></p> <p>Violation of rental agreement. You have 14 days to fix the problem. Fix the problem! Or contact an attorney, especially if your landlord has accepted rent after the notice.</p>	<p style="text-align: center;"><b>10 Day For Cause Notice</b></p> <p>For tenants who have received a <b>30 Day For Cause</b> notice within the last 6 months and have violated their rental agreement in the same way again.</p>	<p style="text-align: center;">10 Day Pet Notice</p> <p>Violation of no pets rule. Tenant has 10 days to remove the animal. Contact an attorney if the landlord has known about the pet and has accepted rent previously. Also, if the pet helps you with your disability, contact the <b>Fair Housing Council</b> 1(800) 424-3247.</p>	<p style="text-align: center;"><b>72 Hour Nonpayment of Rent Notice</b></p> <p>Can be given on the eighth day rent is late. Can only be used for late rent (not fees, deposits, etc). Landlords must accept full payment during the notice period. See if they will accept partial payment. Call the United Way at 503-222-5555 for Information about rent assistance. Do not withhold your rent for repairs unless advised by an attorney!</p>	<p style="text-align: center;"><b>24 hour Outrageous Conduct Notice</b></p> <p>For violence, threats, and illegal (drug, prostitution, etc.) activity by tenant or tenant's guest or pet. Get legal advice now to see if this notice is appropriate!</p>	<p style="text-align: center;"><b>24 hour Unlawful Occupant Notice</b></p> <p>Landlord claims that you live there without your landlord's knowledge or permission. If your landlord claims that you are an unlawful occupant, call an attorney! Your landlord cannot lock you out without going through the court process.</p>
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If tenant is still in the unit....	If problem is not corrected and tenant is still in unit...	If tenant is still in unit...	If pet and tenant are still in unit....	If rent is still not paid and tenant is still in unit...	If tenant is still in unit....	If tenant or guest is still in unit....

**STEP 2: FED (Forcible Entry and Detainer)**

- ◆ Landlord must go to court to obtain an FED and file a lawsuit against the tenant. FED is the formal name for eviction proceedings.
- ◆ The landlord cannot lock you out at this point!
- ◆ FED is mailed to you and posted on the front door. The date you must appear in court in on the papers. Talk to your landlord now!
- ◆ See a lawyer if you have a legal defense! Go to court and be on time!
- ◆ **An FED may show up on your rental or credit record. It may be a permanent public record. An FED may make it difficult for you to find housing in the future.**

**Step 3: First Appearance at Court**

If you don't show up, you may lose automatically.

In most cases, the judge will ask you to work out an agreement with your landlord to solve the problem and avoid trial. It's a good idea to bring someone with you who can help you think clearly. The court may provide a mediator (who may not know about your rights).

If you make an agreement with your landlord and sign it, you are bound by the terms. Read the agreement carefully and try to make changes if necessary. If you don't comply, you can be forced out of your home very quickly (see steps 6-8). If you do comply with the agreement, the FED should be dismissed in your favor within one year, and probably can't be used against you in the future.

If you have a defense (for example you are withholding rent because your landlord won't make repairs), you can ask for a trial. If you lose, you will most likely be responsible for your landlord's attorney and court costs. **Get legal advice!**

Tenant may bring any evidence, but trial will not be the day of first appearance. Evidence might be helpful for mediation.

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<p style="text-align: center;"><b>Step 4 →</b></p> <p style="text-align: center;"><b>Trial</b></p> <ul style="list-style-type: none"> <li>◆ 2-7 days after 1st appearance</li> <li>◆ Talk to attorney before going to trial</li> <li>◆ Winner may get judgment against loser for attorney's fees</li> </ul>	<p style="text-align: center;"><b>Step 5 →</b></p> <p style="text-align: center;"><b>Date to Leave</b></p> <p>Judge determines date if you lost your court case.</p>	<p style="text-align: center;"><b>Step 6 →</b></p> <p style="text-align: center;"><b>Notice of Restitution Posted on Door</b></p> <p>(If you are not out by the day ordered by the judge or if you violate the agreement with your landlord)</p> <p>If you are still in unit, you have 4 days to leave. If you can't move out everything, move out your valuables to someplace safe.</p> <p>If you have an agreement with your landlord and complied with it, you have the right to ask for a court hearing. Get legal advice!</p>	<p style="text-align: center;"><b>Step 7 →</b></p> <p style="text-align: center;"><b>Execution of Restitution</b></p> <p>Sheriff requires tenant to leave while landlord changes locks.</p>	<p style="text-align: center;"><b>Step 8</b></p> <p style="text-align: center;"><b>Getting Your Belongings Back</b></p> <p>Landlord must give you notice to pick up your left belongings. Make arrangements with your landlord now to get your things back. You have limited time to collect them.</p>	