



The FindLaw Guide to the Eviction Process for Landlords

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Nearly every landlord eventually has a tenant that must be removed from their property. Here's some information on evictions for when it happens to you.

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Introduction

You've tried to make sure you rent to reliable, safe tenants, but every so often you rent to someone that must be removed from your property. Eviction is a legal process by which a landlord may terminate a tenant's right to remain on the rental property. Each state has its own procedure for removing tenants. This guide will review some of the more common eviction rules, and direct you to other resources for more state-specific information to answer your questions about eviction.

Reasons to Evict

Most states recognize that when you evict a tenant, you are forcing someone to leave their home. Consequently, a

landlord must have a valid reason for beginning the process. Evictions can take place where the tenant is in violation of one or more provisions of the lease agreement. Some [valid reasons](#) for eviction may include:

- Failure to pay rent on time;
- Harboring pets or persons not authorized to reside at the premises under the lease;
Illegal or criminal activity taking place within the rental premises.

Reasons not to Evict

Tenants have several defenses to an improper eviction. Since eviction can be an unpleasant and costly process, it is important to be sure, before you begin, that the tenant cannot assert any of the following defenses:

- **The property is not well maintained:** Tenants usually have a right to live in a home that is well maintained and livable. If your tenants have given you notice that there is a defect in their unit, and you have not acted to fix it, the tenant may refuse to pay part of their rent while living lawfully on your property. If the property is so poorly maintained that it is not livable, the tenant may withhold all rent.
- **You have accepted partial rent:** Laws can vary by state, but in many cases, if the tenant has paid partial rent and you accepted, you cannot begin the eviction process until after that rent period has passed.
- **The tenant is a member of a protected class under fair housing laws:** According to federal [fair housing laws](#), discrimination based on race, color, national origin, sex, religion, disability, or pregnancy is prohibited. States usually have their own fair housing laws which may have other classes against which you cannot discriminate.
- **The eviction was retaliatory:** You cannot evict a tenant



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for reporting you to a housing authority for housing codes or fair housing laws violations.

General Process

The first step in most eviction processes is that you must send the tenants notice that you intend to remove them. Some states require you to leave multiple notices over a longer period of time. These notices usually order the tenant to do one of the following:

- **Pay Rent or Quit:** The tenant must pay rent within a set time or vacate the rental unit.
- **Cure or Quit:** The tenant must correct a violation of the lease or rental agreement within a certain time.
- **Unconditional Quit:** The tenant must vacate the premises without the opportunity to cure the violation or pay the rent.

If all the notice requirements have been met and your tenants still have not corrected the problem, you must then file a complaint with the local court and pay a small filing fee. The tenant must be served with the court documents. Some jurisdictions require the tenant to respond in writing and if the tenant fails to do so, you may get the eviction order right away. Once you have filed the required paperwork, and the tenant properly responds, the court's clerk will usually set a hearing date. A judge will then use the hearing to determine whether the tenant should be evicted and hear any defenses the tenant may have.

If the court decides that the tenant should be evicted, it will typically issue a writ several days after the judgment in order to give the tenants the chance to move on their own. The court may also order the tenants to pay back rent. Once the writ is issued, local law enforcement will come to your property to remove the tenants and their possessions. It is never proper for you, the landlord, to attempt to remove the tenants on your own.

Additional Resources

Since landlord-tenant laws vary greatly from state to state, you should consider joining your local landlord association. They can provide the most accurate, updated information as well as give you the opportunity to network with other local landlords. Many cities also have their own landlord and apartment associations, such as the [Apartment Association of Greater Philadelphia](#) and the [San Francisco Apartment Association](#). Enter the name of your city and "landlord association" into a search engine to get an idea of what's out there.

Finally, Findlaw has compiled this useful [chart](#) of each state's landlord-tenant laws. Check there to see the exact rules for your state.

STOP

Should I Talk to an Attorney?

If you have several difficult tenants or a complicated issue with one of your properties, you may want to speak with a real estate attorney. You can locate a real estate attorney now by visiting www.findlaw.com and choosing among several quality-assured lawyers in your area.

For More Information

Regarding evictions and other landlord-tenant issues, please visit <http://realestate.findlaw.com/landlord-tenant-law/>.

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