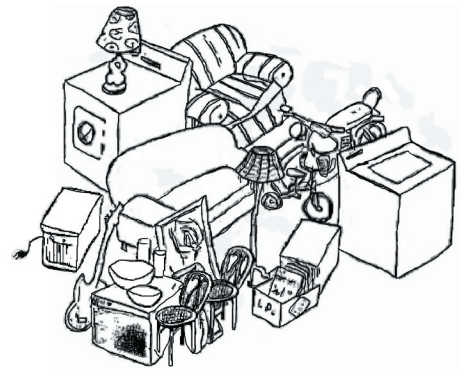


# Eviction:

## Legal Tips for Renters in Anderson, Davidson, Maury, Sumner, and Wilson Counties



U. S. Dept. of Housing and  
Urban Development (HUD)  
**1-800-669-9777**

### What the landlord cannot do

It's **against the law** for a landlord to:

- Lock you out of your place
- Set you out himself (only the sheriff can do this, after a court hearing)
- Cut off the heat, lights or water himself.

But, what if you agreed to put the bill in your name and didn't do it? Then the landlord can tell the utility company to cut off your heat, lights or water. You can get them turned back on by putting these bills in your name.

If your landlord breaks these laws, call the police. Show them this booklet. Or, call Legal Aid.

It's also **against the law** for a landlord to make you move for these reasons:

- Your race, color or birthplace
- Your sex
- Your religion
- Because you have children who live with you
- Because you or someone you live with or know has a disability. This includes HIV or AIDS.

What if the landlord tries to evict you for one of these illegal reasons? If you didn't break the lease or get behind on rent, you can:

- See a lawyer **or**
- File a complaint with:

Tennessee Fair Housing Council  
**(615) 383-6155 1-800-254-2166**

**OR**

Tennessee Human Rights Commission  
**(615) 741-5825**

**OR**

### Before a landlord can legally force you to move, the landlord must first:

- Take out a warrant and
- Go to court.

The back page of this booklet shows how long this takes.

Forcing you to move  
always takes at least  
16 days. Usually, it  
takes longer.



### When can a landlord make you move?

#### If you don't have a lease

Are you renting without a written lease? Or, do you not have an agreement about how long you can stay? Then the landlord can make you move **for no reason**.

But the landlord must first tell you in writing when he wants you to move. This is called "NOTICE." If he **doesn't give you the right notice, you may be able to stop the eviction.**



How far ahead your notice must come depends on when you pay rent. Do you pay monthly? Then your notice must come 30 days before the landlord wants you out. If you pay weekly, it must come 10 days before he wants you out.

After the notice time, the landlord still cannot force you out. First, the landlord must go to court.

### If you do have a lease

The lease should say how long you can stay. To make you leave before the end of the lease, the landlord **must have a reason**.



The reason can be that you broke the lease. For example, the lease says you must pay rent, but you haven't paid. **OR**, the reason can be that you broke a state law and caused health or safety problems.

The landlord must give you a written notice with the reason he wants you out. The notice must come 30 days before he wants you out. **But, check the lease.** It may say that if you don't pay your rent, you don't get a notice. Then the landlord can go directly to court to have you moved out.

### You may have the right to fix the problem and stay!

You may be able to stop the eviction if you fix the problem within 14 days. Let's say the problem is that you haven't paid rent. If you pay during the 14 days, you can stay. The 14 days start with the date on the notice.



**But watch out:** Has the landlord told you to move for the same reason before? Is this the second time in six months? Then you **don't** have 14 days to fix the problem. Have questions? Call Legal Aid.

## What if you cause serious problems?

### With or without a lease, the landlord can give you a 3-day eviction notice



What if you or a person you let in hurts someone else or threatens to? What if they tear up the property or threaten to? The landlord can give you just 3 days' notice to get out.

**The landlord must still go to court to evict you.** The 3-day notice just lets the landlord go to court sooner.

A 3-day notice is only for serious harm or danger. Is your landlord using the 3-day notice unfairly? Tell the judge. The judge may give you more time to move or may let you stay.

### As soon as you get the notice letter, get legal help!

Do you want to fight the eviction? Do you think the landlord is wrong about how much rent you owe? Then call Legal Aid or another lawyer right away. Don't wait!



What if you don't move out during the notice time? The landlord can get a detainer warrant against you.

## A Detainer Warrant is not a warrant for your arrest

**The detainer warrant just tells you when to go to Court.** In court you can tell the judge your side of the story.



Don't worry about knowing everything the warrant says. Just look for the **DATE** it tells you to be in court. The court date must be at least 6 days after you get the warrant.

The sheriff's deputies must try to give the detainer warrant to an adult in the home.



But, what if you find the warrant just left on your door?

- If you think you should not be evicted, go to court. If you don't go, the landlord can get a court order to evict you.
- You should also go to court if you disagree about how much you owe the landlord. Take your receipts or witnesses to court.

### What if you don't go to court?

You won't be arrested. But you will lose the case, even if your landlord didn't give you the right notice. Losing means:

- The sheriff can set you out after 10 days
- The landlord can collect the money the judge says you owe.

### What if you don't have a lawyer?

What if you try to get a lawyer, but can't see one by the court date? Go to court anyway. Ask the judge for more time to see a lawyer. You may get a new court date a few days away.

**If you can't get a lawyer, go to court anyway.** You can speak for yourself. Wear your good clothes, not shorts or low-cut tops. Be on time so you will hear your name called. When they call your name, stand up.

- Did the landlord not give you written notice? Then tell the judge.
- Did you pay rent after the landlord gave you notice or after you broke the lease? Then show the judge your rent receipts.
- Do you think you owe less than the landlord says? Show the judge your receipts. Or, ask your witnesses how much they saw you pay.



- Do you think you didn't break the lease? Take witnesses who know what happened. In court, ask them to say what they saw.



**If you lose in Court, you still have 10 days to move.**

The judge will give the landlord a court order. It says you will be set out of the place where you live. But, they can't set you out during 10 days after the court date.

During these 10 days, you may be able to appeal the judge's decision. If you appeal, you are asking another court to hear your case.

What if you don't move out or appeal by the end of those 10 days? The sheriff can set you and your things on the street on the 11th day.

**In most Tennessee counties, you won't get any warning before the sheriff sets you out.**

**See the back page for how much time you have at each step of an eviction.**

### How to appeal about how much you owe the landlord

What if you don't mind moving, but you disagree about how much you owe the landlord?



You can appeal during the 10 days after the judge's decision. You will get a new trial in Circuit Court about how much you owe.

You can file your appeal at the office of the General Sessions Court Clerk. The clerks there will help you. They will send your appeal to Circuit Court where your new trial will be.

You should try to **see a lawyer right away** after you file your appeal. In some counties, it will be hard to get the trial date set without a lawyer.

There is a fee for filing an appeal. What if you don't have much income? Ask the clerk if you can appeal under the "pauper's oath." What happens if you are approved for the "pauper's oath"? You don't have to pay a fee at that time.



Filing an appeal doesn't automatically keep the sheriff from setting you out on the street. There is a special rule. It lets you stay in your home until the new trial. This rule is not for every case. Do you want to stay there until the trial? Then see a lawyer right away. Without a lawyer, it is very hard to get the judge's OK to stay. It could also cost a lot. You may have to post a cash bond to stay in your home until trial.

## Protect your paycheck and your bank account!

Has the judge said you owe the landlord money? Then after 10 days, the landlord can garnish your paycheck. He can take money from your bank account. He can take your things, such as your car or furniture.

You may be able to stop this by filing papers with the court clerk. Do this within 10 days after the court hearing. We have booklets to tell you how. Get our booklets on garnishment and protecting your belongings after being sued.

## A Chapter 13 bankruptcy may let you stay in your home

You may be able to keep the place you rent by filing a Chapter 13 bankruptcy. This works best if you rent a place in

- public housing or
- Section 8 housing or
- Rural Housing Service (Farmers Home) housing.

It can work in private housing, too. But it

will only help you stay there until the end of your lease.

You must have regular income. You must be able to pay your rent on time from now on. You must fix the problem that made your landlord try to evict you. This usually means paying back rent or damages in your Chapter 13 payments. To find out more, get our booklet on Chapter 13. If you want a Chapter 13, see a lawyer right away. If you can't pay for a private lawyer, call Legal Aid.



This booklet cannot take the place of legal advice. It doesn't cover everything that might happen in General Sessions Court. If you need advice, talk to a lawyer.

12/03

**Legal Aid Society**  
of Middle Tennessee and the Cumberland

**1-800-238-1443**

It's a free call.

**Tennessee Legal Aid/  
Legal Services Offices**

**Legal Aid Society**

of Middle Tennessee and the Cumberlands

**1-800-238-1443**

**Offices in Clarksville, Columbia, Cookeville,  
Gallatin, Murfreesboro, Nashville, Oak Ridge,  
and Tullahoma**

**West Tennessee Legal Services Jack-  
son Office 1-800-372-8346**

**Dyersburg Office (731) 285-8181**

**Huntingdon Office (731) 986-8975**

**Selmer Office (731) 645-7961**

**Memphis Area Legal Services**

**Memphis Office 1-888-207-6386**

**Covington Office (901) 476-1808**

**Legal Aid of East Tennessee**

**Knoxville Office (865) 637-0484**

**Johnson City Office 1-800-321-5561**

**Kingsport Office 1-800-821-1309**

**Chattanooga Office 1-800-572-7457**

**Cleveland Office 1-800-445-3219**