



## THE TRUTH ABOUT EVICTIONS

Eviction is the legal process that enforces rental lease obligations. Unfortunately, common misconceptions have clouded the public understanding of this necessary tool.

### **Eviction Notice Does Not Equal Resident Removal**

### **Data That Conflate Eviction Filings With Removals Are Misleading**

### **Housing Providers Do Not Benefit From Eviction**

There is a wide variety of state and local laws concerning the process to evict a renter and, in most jurisdictions, renters must receive certain notices – and may be given the opportunity to resolve violations – before housing providers can initiate eviction proceedings.

Because of the multi-step eviction process, the notice period and multiple points along the way at which a dispute can be resolved before removal, court filing data obscures a much smaller number of actual evictions.

Property owners rely on renters and succeed only when residents pay rent reliably, are not damaging property or risking the safety of other tenants. Generally, property owners try to avoid eviction and find other methods of resolution because the process costs them money and time, and impacts their reputation.

# THE EVICTION PROCESS, STEP-BY-STEP

Housing providers and their residents are under contractual agreements that spell out the requirements and expectations for how the property will be maintained and used by the renter, and the responsibilities of the property owner.

## VIOLATION

A renter breaches the terms of their lease or breaks the law, forcing the property owner to take action. Examples of infractions that typically lead to a property owner initiating the eviction process:

- Criminal activity
- Property damage
- Threats to/endorsement of neighbors and staff
- Nonpayment of rent

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States often set different timeframes that property owners must comply with to offer notice of an eviction depending on the violation of the lease, for example a 14-day notice to pay or vacate. The initial notice generally must explain the grounds for the eviction, offer the process for correcting the violation, and explain the consequences if the violation is not corrected. Issuing a notice typically marks the beginning of the process to work out an issue that can lead to eviction.

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## NOTICE

## MITIGATION

Owners typically view eviction as a stressful, time and money consuming process and therefore usually seek to work with residents. A renter can mitigate an eviction after receiving a notice in most states by correcting the violation of the lease, e.g., paying any rent owed and/or fees and penalties.

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If a renter is unable to resolve the violation in the timeframe spelled out in the notice, the property owner is then typically required to file a complaint with the local court. This action starts the legal process that culminates in a judicial hearing or other court directed procedures.

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## FILING

## HEARING

Even once a case reaches a judge, courts often may direct eviction cases to an alternative dispute resolution process. Property owners can accept rents or reach alternative resolutions and withdraw eviction complaints. In certain jurisdictions, where the owner has moved for eviction for nonpayment of rent, the tenant can avoid eviction by paying the rent owed.

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The judge could reject the complaint for eviction. The judge could also order the parties into mediation or arbitration. If the judge grants the motion for eviction, then the owner and renter will receive the order for the resident to vacate the premises, which can be enforced by local law enforcement if needed.

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## OWNER REPOSESSION

The judge will hear from both the property owner and the renter and make a determination based on the arguments and evidence as to whether an eviction is warranted.