# The Eviction Process for Nonpayment of Rent

victions are costly and difficult for all parties involved.

Yet, the eviction process is critical for resolving landlord and tenant disputes and for housing providers to legally recover possession of their property when a renter violates the lease agreement. The eviction process varies widely by jurisdiction.

#### THE PANDEMIC

Court backlogs are stretching the Ueviction process from a number of weeks or months to more than a year in some jurisdictions, while housing providers remain unpaid. Housing providers are utilizing all available resources to keep their residents housed throughout the pandemic and being as flexible as their circumstances allow.

However, housing providers cannot continue to operate their businesses and maintain the housing for their renters with sustained losses in rental income.



# LEASE VIOLATION

Housing providers must take action when residents violate the terms of their lease.



# **EVICTION MITIGATION**

Housing providers are in the business of housing renters and will work with them to resolve outstanding issues and avoid eviction.



# **NOTICE**

Housing providers provide renters with notice and an opportunity to cure non-emergent lease violations. Notice periods vary according to state law, on average 8-day period.\*



#### **COURT FILING**

If the renter does not resolve the lease violation, the housing provider files a complaint, pays court costs and obtains legal representation (typically required for corporations).



# **COURT RULING**

The court can rule in favor of the housing provider and grants possession or in favor of the resident and dismisses the eviction case



# "PAY AND STAY"

Throughout the court process, a renter who is subject to eviction due to nonpayment can pay their outstanding rent, fees and court costs to avoid eviction and remain housed, depending on applicable right of redemption laws or the parties' willingness to settle.



#### **COURT HEARING**

The court serves as an arbiter to determine a resolution when the parties cannot come to an agreement and determines whether an eviction judgement is warranted.



#### **PLEADINGS**

The housing provider and renter may file court documents to dispute the other party's allegations.



#### RENT ESCROW

In some jurisdictions, the court requires the renter who is subject to eviction, to pay rent into escrow while the eviction is processed.



# **APPEAL PERIOD**

Renters and housing providers have an opportunity to appeal the court's ruling.



# WRIT FILING

In some jurisdictions, the housing provider must file for a writ to recover possession of the unit following a judgement in their favor from the court.



### **JUDGMENT EXECUTION**

Local law enforcement must oversee a peaceful transition when the renter is required to move out and the housing provider changes the locks.



# POSSESSION RECOVERY & LEASING

After the housing provider regains possession of the unit, they clear the unit of debris, repair any damages and prepare the unit to be re-rented.

