|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  **Resources**Local Resources[*Insert state Crime Victims’ Compensation information*][*Insert other relevant local resources*]National Resources**Victim Information and Notification Everyday (VINE)**1-877-894-8463[www.vinelink.com](http://www.vinelink.com) **National Center for Victims of Crime**202-467-8700 [www.victimsofcrime.org](http://www.victimsofcrime.org)  **U.S. Department of Housing and Urban Development**800-569-4287HUD Exchange: [www.hudexchange.info](http://www.hudexchange.info) Rental Assistance: [www.hud.gov/topics/rental\_assistance](http://www.hud.gov/topics/rental_assistance) HUD Resource Locator: [www.hud.gov/resources](https://www.hud.gov/resources) **National Domestic Violence Hotline**1-800-799-7233 [www.thehotline.org](http://www.thehotline.org)  |

|  |
| --- |
| **Who Can Help?**[*Agency*] Victim Services can assist you with information regarding victims’ rights, Crime Victim Compensation, case status, navigation of the criminal justice system, and referrals to the appropriate community resources or helping professionals or organizations according to your specific needs.SAMPLEThis publication was produced under [*Grant Number*] awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this draft publication are those of the contributors and do not necessarily represent the official position of the U.S. Department of Justice. [*Revision Date*] |

 |

|  |
| --- |
| **Evictions and Lease Terminations****[*Agency*] Victim****Adult Grief and Loss****Adult Grief and Loss****Services****[*address*]****[*phone number*]****[*Insert Agency logo*]****[insert Agency logo]****[insert Agency logo]****[insert Agency logo]**Name/ID Number:Direct Number: |

 |
| **The Eviction Process****There are many reasons individuals might need information about the eviction process. The following information is not to be considered legal advice. All parties are encouraged to seek legal services for assistance.** Often, victims need to know how to legally evict a tenant from their home or property. Many victims also need information about their rights because they are at risk of being evicted. The eviction process is a formal legal procedure that includes going to the [*List the name of your jurisdiction’s local courthouse*]. Evictions can be complicated. Below are the basic steps involved in the eviction process: [*Research the laws of your jurisdiction and modify the following language accordingly*]* Evictions must be filed in the court of the jurisdiction where the property is located.
* The notice to vacate must be in writing and should be unconditional—it should tell the tenant(s) to vacate by a specific date.
* Unless there is an agreement between the parties shortening the notice requirements, the landlord must wait [*Enter Number*] days after notice to vacate is served before filing the eviction.
* When filing, the landlord should bring: a copy of the lease, a copy of the notice to vacate, [*Add Fee*] for filing/service on one person (additional service is [*Add Fee*] per person), and all work/residence addresses and telephone numbers of the tenant(s).
* Generally, all parties named in the lease should be served with notices in the eviction proceeding. Any judgment (the court’s final decision on the lawsuit) that is granted will apply to only those who are specifically named and served.
* The landlord’s agent or lawyer may file any type of eviction suit and may represent the landlord at any hearing.
* If the case is contested, an agent or lawyer may represent either party if the case involves non-payment of rent or holding over (when the tenant remains on property without consent from the landlord). The parties/their attorneys must try all other eviction types if the case is contested.
 | * A suit for rent may be filed with the eviction suit if the amount due is within the jurisdiction of the court. Charges for items other than rent cannot be joined with the suit for eviction.
* A default judgment (the court’s final decision on a lawsuit in favor of the landlord because the tenant fails to respond to a court summons or does not appear in court) can be granted if the tenant fails to answer within [*Add Amount*] days after being served.
* A default judgment for eviction will be granted by telephone only at the request of the landlord or agent if the file contains: a return from the serving entity showing the tenant was properly served, a copy of the notice to vacate, and a copy of the written lease.
* A personal appearance and sworn testimony will be required of the landlord or agent in order for a judgment for rent to be awarded or if the file is incomplete.

SAMPLE* A court date will be set at the time the eviction is filed with the court. This date will appear on the tenant’s citation. Both parties are expected to appear at that date and time. Any continuance request must be in writing, timely, and agreed to by all parties.
* If neither party appeals, the landlord may obtain a writ of possession/writ of eviction from the court to cause the tenant to vacate the premises. The writ can be obtained after [*Cite Local Statutes*], with the writ fee of [*Add Fee*] payable to the court. Questions involving the execution of the writ should be directed to the appropriate [*Insert Office Name*].

*Note: fees cited may be subject to change* | **Lease Terminations****Due to safety concerns, victims of domestic violence, sexual offenses, and stalking may need information about moving without lease penalties.** [*Check local laws and modify the following language accordingly*] Victims of family violence, sexual offenses, and stalking who meet certain criteria have the right to terminate a lease without liability for future rent and/or any fees for terminating the lease early. The law does not affect a tenant's liability for delinquent, unpaid rent, or other sums owed to the landlord before the lease was terminated early by the tenant.Specific documentation is required and may include:* **Domestic Violence:** A copy of a protection order must be provided to the landlord AND appropriate notice must be given.
* **Sexual Offenses:** Documentation of the assault OR a copy of a protection order must be provided to the landlord AND appropriate notice must be given.
* **Stalking:** A copy of a protection order OR documentation of the stalking AND a copy of the law enforcement report must be provided to the landlord AND appropriate notice must be given.

These laws are intended to assist those who are fearful of remaining in their homes due to criminal incidents that have occurred at the home in the past six months. |