

Warrants of Eviction, 14 Day Notices, and Your Possessions

What must a landlord do to have me evicted from my home or apartment?

Before your landlord can put you out of your home or your apartment, your landlord must serve you with court papers, take you to court and get a warrant of eviction. A warrant of eviction is a piece of paper from the court that says your landlord can put you out of your apartment. **If your landlord gets a warrant of eviction from a court, you can be put out in as few as fourteen (14) days after you receive a copy of the warrant.**

How much time will I have to move if my landlord was awarded a warrant of eviction?

After your landlord is awarded a warrant of eviction, he or she must take the papers to a civil officer (usually a Marshal or a Sheriff). The civil officer will go to your apartment or home and put a notice on your door that says that you have been evicted and that you have 14 days to take your things and leave the apartment. Then, approximately 14 days later, the civil officer will return to put you out. Tenants may only be evicted on business days (Monday through Friday) and between sunrise and sunset. If you have not moved by the time the civil officer comes back, you will be put out and your landlord will be allowed to change the locks on the doors.

How will I know when the civil officer will come to put me out?

The 14 day notice that is put on your door should tell you the earliest date that you can be put out. If there is no phone number on the notice, you can call the local city, town or justice court where the eviction was filed to get the number of the civil officer who will put you out, and you may be able to call that person to find out when they are coming to put you out.

What if I signed an agreement in court that said until I have a certain date to move, but I get a 14-day notice ahead of that time?

Sometimes the marshal or the civil officer will post the 14-day notice early. For example, if you signed an agreement in court to move by December 20, but you get a 14-day notice posted on your door on December 1, you can ignore the notice as long as you have followed the terms of the agreement. As long as you paid all the money you agreed to pay and did everything you said you would do in the agreement you signed in court, you would have until the date you agreed to move to get out of the apartment. If you have any questions about this, you should call Neighborhood Legal Services.

What will happen to my belongings if I have to leave them?

Legally a landlord is not allowed to keep a tenant's personal possessions. However, you should remove all your possessions, especially your valuable ones, before you are evicted.

What are my rights if I am properly evicted and my belongings are still in the apartment?

It is unlawful for your landlord to legally evict you and then refuse to give you back your possessions. You should contact the police and Neighborhood Legal Services if your landlord refuses to return your possessions to you.

Is my landlord responsible for my personal possessions if I move or I am evicted and they get left behind?

Your landlord is only under a duty not to intentionally damage or destroy your possessions. For that reason, you should remove all your possessions before you are evicted. If that is not possible, you should contact your landlord as soon after your eviction as possible to make arrangements to move your things.

Your landlord may decide to put your possessions in storage if they are still there after you are evicted, and you may have to pay the storage fee before the storage company will release them to you.

What can I do if my landlord loses, damages, or destroys my belongings?

You can take your landlord to Small Claims Court for the value of your belongings. For information on the Small Claims Court process, you may contact the Housing Unit of Neighborhood Legal Services at 847-0650.