



Section 515

Rural Rental Housing Evictions

Should I read this?

If you are a tenant in an apartment complex financed by the **Rural Housing Service (RHS)** (formerly Farmers Home Administration or FHA), you have more protection against evictions than some other tenants do. You may also pay less rent than some other tenants.

If the landlord evicts you, you may lose this housing assistance. Read this for tips on how to avoid eviction.

How long can I live here?

When you first moved in, you should have signed a one-year lease. The lease renews automatically, **unless**:

- You decide to move.
- You are no longer eligible for Rural Housing.
- The landlord ends (terminates) your tenancy.

Can the landlord evict me?

The landlord can only end or refuse to renew your lease for:

- Material noncompliance
- Other good cause
- Criminal activity or alcohol abuse

What is “material noncompliance”?

It includes:

- At least one major lease violation

- Nonpayment or repeated late payment of rent or other financial obligations due under the lease
- Engaging in or letting others engage in the use, possession, manufacture, sale, or distribution of drugs on the property

What is “other good cause”?

It includes anything you do or a household member does that

- Threatens other tenants’ health and safety
- Threatens other tenants’ enjoyment of the premises
- Substantially damages property
- Violates the law

I did not violate the lease. A family member did. Does that change things?

Maybe. You might be able to save your housing if both these are also true:

- You are innocent of the activity.
- You were not responsible for controlling the family member’s behavior.

Talk to a lawyer right away. “What if I Need Legal Help” at the end has contact info.

How does the landlord have to end the lease?

The landlord must first give you a written notice saying

- The date the landlord will terminate your lease.
- Which parts of it you have violated.
- The landlord may bring an eviction lawsuit.
- You can stay if you fix the problem.

How should the landlord give me this notice?

By hand delivery. If you are not home, the landlord can leave a copy with any adult answering the door. Otherwise, the landlord can leave the notice under your door or post it. If the landlord leaves or posts the notice, she must also mail you a copy of it.

❖ The landlord must also send the RHS a copy of the notice.

I got a notice terminating my lease. What should I do?

Read it carefully. Make sure it has all the info listed in “How does a landlord end the lease,” above. If not, get legal advice right away.

If the notice has the required info, **ask to see your tenant file.** Make copies of anything related to your eviction. These might include:

- lease
- occupancy rules
- written complaints
- termination notices
- payment reports
- inspection reports
- notes of conversations
- witness statements
- police records

You should review and get copies of these in case your case goes to court.

I got a termination notice. Should I try to settle with the landlord?

Yes. Always try to settle your case. It is easier to avoid a court case than to win once it goes to court. Lawsuits are risky. Avoid one if possible. Many cases can be settled.

Example 1: You got a termination notice based on the actions of a household member. The household member will move out. The landlord might agree to let you stay.

Example 2: Your termination notice is for nonpayment of rent. You can pay the rent plus any late and other fees. The landlord may agree to let you stay.

❖ Check if a local Dispute Resolution Center can help you mediate your dispute with the landlord.

You can also file a complaint with the Rural Development Office of Civil Rights if you

believe the landlord is discriminating against you because of age, race, color, religion, sex, familial status, disability or national origin. Email your complaint to them at rd.civilrights@wdc.usda.gov. This will not stop an eviction action.

What if I cannot work things out with the landlord?

The landlord must file a lawsuit and get a court order before evicting you. Without a court order, the landlord cannot

- lock you out
- shut off your utilities
- forcibly remove you from the unit
- take or keep your belongings

If the landlord illegally evicts you or takes your things, immediately contact law enforcement and a lawyer.

Should I move?

Do not move without first discussing your rights with a lawyer. **If you move, you lose your federal housing assistance!**

Should I stop paying rent?

No! Keep paying, unless you move. If the landlord rejects your payment, set it aside to pay later. **Do not spend the rent money, except to move.**

How will I know there is a lawsuit?

When you are served with a Summons and Complaint for Unlawful Detainer. **Act immediately** to avoid eviction. Talk with a lawyer. What to do and the forms you need are in [Eviction and Your Defense](#).

I was served with a Summons and Complaint for Unlawful Detainer. What should I do?

At the least, you must fill out and serve a copy of a Notice of Appearance or Answer on the landlord or the landlord's lawyer by the deadline stated in the Summons. You might also have to:

- pay your rent to the Court Clerk

- file other papers
- appear in court

What if I do not respond to the Summons and Complaint for Unlawful Detainer?

If you do not respond in writing or follow the other instructions in the Summons and any accompanying orders, you may lose by "default" without a hearing.

The landlord has filed suit. Is it too late to settle?

Maybe not. The landlord might settle if you will sign a written agreement. The agreement should explain what you must do to keep your tenancy. It will usually authorize the landlord to evict you if you break the agreement.

As part of the settlement, the landlord may ask you to pay some court costs and attorney's fees. This may be worth it to keep your federal housing subsidy.

Do not enter into a settlement agreement you do not understand or cannot obey. This agreement is a binding contract. The court will usually uphold it despite any hardship to you.

❖ Contact your local Dispute Resolution Center, if there is one, to find out if it can help mediate your dispute with the landlord.

The landlord will not settle. The matter is in court. Now what?

You must

- Defend the lawsuit

Or

- Move and give up your federal housing assistance

❖ If possible, talk to a lawyer before moving.

What if I lose the court case?

The judge will

- Issue a Writ of Restitution ordering you to move
- Enter a judgment against you for unpaid rent, court costs and attorney's fees

❖ The landlord will have at least ten years to try to collect the judgment from you.

I lost my court case. When do I have to move?

The Sheriff's office will hand deliver the Writ of Restitution to you or post it on your door one to two days after the court enters the judgment. The Writ says

- when you must move
- the date the sheriff will return

What if I am still there when the sheriff returns?

The sheriff will supervise the removal of you and your belongings. You face arrest if you interfere.

Get Legal Help

Outside King County: Call the CLEAR Hotline at 1-888-201-1014 weekdays from 9:15 a.m. - 12:15 p.m.

In King County: Call 211 for referral to a legal services provider weekdays from 8:00 am – 6:00 pm.

Persons 60 and Over can call CLEAR*Sr at 1-888-387-7111 (statewide).

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 (or toll-free 1-877-211-9274) using a relay service of their choice.

Apply online with [CLEAR*Online](https://nwjustice.org/get-legal-help) - nwjustice.org/get-legal-help

CLEAR and 211 will provide a free interpreter.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 (or toll-free 1-877-211-9274) using the relay service of their choice.

CLEAR and 211 will conference in free interpreters when needed.

Free legal education publications, videos and self-help packets covering many legal issues are available at washingtonlawhelp.org.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of September 2019

© 2019 Northwest Justice Project — 1-888-201-1014

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial use only.)