



# HUD Housing Evictions

## Who is this for?

Tenants in Washington who live in certain subsidized housing complexes or rental units, for example:

- Public Housing projects
- HUD multi-family housing
- HUD housing for people with disabilities
- HUD housing for seniors
- “Project-Based Section 8” buildings (but not portable Section 8 Voucher holders)

If you live in certain HUD-subsidized buildings or rental units, you have more protection against evictions than other tenants in Washington. This briefly explains your rights, and things you can do to avoid an eviction.

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- ❖ HUD subsidizes different buildings under different programs. The rules can vary a lot. If you don’t know what kind of subsidy you have, try to get legal help. (See below for contact info.)
  - ❖ If you have a portable Section 8 Voucher, read our publication on [WashingtonLawHelp.org](http://WashingtonLawHelp.org) called “[Protecting Your Section 8 Voucher.](#)”
  - ❖ If you are evicted, you will lose your federal housing subsidy.
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## **When can my landlord evict me?**

Depending on which program funds your apartment building, your landlord may your tenancy for

- A. "Material noncompliance" with the rental agreement. For example:
  - If you seriously violate your lease
  - If you repeatedly violate your lease (even in small ways) and the violations disrupt the building or complex, harm anyone's health or safety, interfere with the management's duties, or have a negative financial impact on the apartment complex
  - If you do not immediately report changes in your household size or monthly income
  - If you do not pay all of your rent on time
- B. Material failure to carry out your responsibilities under the [Washington Residential Landlord - Tenant Act](#).
- C. Criminal activity threatening others' health, safety, or right to peaceful enjoyment of the premises or the health or safety of any on-site property management staff, and any drug-related activity on or near the premises.
- D. Other good cause. Your lease may hold you responsible for any drug-related criminal activity of any household member, guest, repeat visitor or person staying with you.

## **Your landlord has to give you a written warning notice before starting an eviction lawsuit.**

The notice must state:

- the reasons for the eviction, in enough detail so you can prepare a defense
- what your landlord believes you did and when you did it (and who else was involved)
- how this violated your lease
- a deadline to respond in writing and ask for an informal meeting to discuss the situation warning that, if you do not move, your landlord can only

remove you from your apartment by bringing a lawsuit and you will have a chance to defend yourself

### **The landlord has to mail the notice and also give you one in person or post it on your door.**

Your landlord must mail the notice to you by first-class mail. They must also hand a copy to any adult answering your door. If no adult is home, the landlord must leave a copy of the notice under your door or post it on the door.

### **I got an eviction notice. What should I do first?**

You should immediately set up a meeting with the landlord to discuss the notice and what you can do to fix any lease violations.

You must ask for your meeting in writing. Keep a copy for proof that you gave it to the landlord within the deadline in the eviction notice.

If the landlord refuses to meet with you, and then gives you court eviction papers, you can raise this as a defense to the eviction lawsuit.

When you meet with your landlord, ask to see your file and copy any documents related to the dispute. These might include:

- your lease
- written complaints
- termination notices
- rent payment history
- inspection reports
- notes of conversations
- witness statements
- police reports

## Should I try to settle this matter without going to court?

Lawsuits are risky. It is better to avoid an eviction lawsuit before it starts than to defend one after it has started. To avoid losing your federal housing assistance, it is often better to settle your case rather than leave the decision to a court. Try to get legal help (see below).

## I could not settle my eviction at the meeting. Can the landlord evict me?

Your landlord must file a lawsuit and get a court order before evicting you from your apartment. Your landlord has no right to lock you out, shut off your utilities, or otherwise remove you or your things from your apartment without a court order. Immediately call the cops or sheriff, if your landlord tries to lock you out or take your belongings. Then try to get legal help.

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❖ [My Landlord Locked Me Out: What Can I Do](#) has more info.

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## The landlord has served me with eviction lawsuit. Should I move out right away?

Try to get legal help before moving. The landlord may delay filing the eviction lawsuit due to the court costs.

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❖ If you move out after receiving eviction papers, you will lose your federal housing assistance.

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Keep paying your rent while you are living there. They may reject your rent in the hope you will move on your own. If your landlord rejects your rent, set the funds aside to pay your rent later. Do not spend your rent money, except to move.

## How do I respond to a Summons and Complaint for Unlawful Detainer?

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❖ You must respond in writing by the deadline in the Summons to avoid losing automatically.

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The simplest way to respond in writing is to serve a “Notice of Appearance” on your landlord’s lawyer and then file the original with the court (if the lawsuit has been filed. You’ll know the lawsuit has been filed if it has a case number. If you do not

respond in writing or follow the other instructions in the Summons and any accompanying orders, you may lose without a court hearing (“by default”).

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- ❖ [Eviction and Your Defense](#) has sample Notice of Appearance forms and instructions you can use to respond to the eviction papers
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## Is it too late to try to settle once the landlord has filed the lawsuit?

Maybe not, if you will agree to sign a **written settlement agreement**. It should say what you must do to keep your tenancy. It will usually authorize your landlord to evict you if you violate the settlement agreement.

As a condition of settlement, your landlord may ask you to pay some of their court costs and attorney’s fees. Paying these may be better than risking losing your housing assistance.

**Do not enter into a settlement agreement you do not understand or cannot obey.** A settlement agreement is a binding contract. The court will usually enforce the agreement despite any hardship to you. If the landlord will not negotiate a reasonable settlement at this stage, your options are go the eviction hearing and try to defend yourself or move out and give up your federal housing subsidy. If possible, try to get legal help.

## How do I represent myself in court?

Make sure the court understands you live in a HUD-subsidized apartment. Show the judge a copy of your lease. The lease describes when the landlord can evict you.

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- ❖ [Eviction and Your Defense](#) has forms and instructions to help you defend yourself in court.
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## I lost the court case. Now what?

The judge will probably sign a “judgment” declaring how much money you owe the landlord. The judge will also sign an order that the landlord will give to the sheriff. The sheriff will then probably deliver a final eviction notice (called a “Writ of Restitution”) on your door a day or two after the hearing.

The Sheriff will probably come back to physically evict you about 3 to 5 days after posting the notice on your door.

## **If your eviction was about rent, you can still ask the judge for a Payment Plan before the sheriff enforces the eviction order.**

If you were evicted because you were behind on rent (and not because you broke the rules, or stayed too long after your tenancy ended), you can ask the court for a payment plan.

You will have to file a formal request to the court called a “motion” asking for a payment plan.

At this point, because the court has already signed a judgment, you will probably have to pay the rent + court costs + a late fee + the landlord’s attorneys’ fees.

The judge may consider all your circumstances and order a payment plan so that you can avoid eviction and stay in your home.

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❖ Learn more about your options if you lost at the eviction hearing on [WashingtonLawHelp.org](http://WashingtonLawHelp.org) in our publication called “[I Just Lost at an Eviction Hearing.](#)”

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## **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](http://CLEAR*Online) - [nwjustice.org/get-legal-help](http://nwjustice.org/get-legal-help)**

CLEAR and 211 will provide a free interpreter.

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This information is current as of September 2019

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