

# ABOUT EVICTIONS

Getting eviction papers does not mean you have to move right away. Some notices come from your landlord, and others come from the court after your landlord files an eviction case. Only a judge can order you to move out.

## 1. Think about your options



Some of your options are:

- **Make an agreement** in writing with your landlord to stay or get more time.
- **Move out.** You should still go to court and tell the judge so you don't get an eviction on your record. If you move out you may still owe money.
- **Defend yourself.** You can explain why you should not be evicted. The judge will decide whether you can stay and, if not, how long you have to move.

**How long will you be given to move?** Some judges give 7 days. Others may give 2–3 weeks.

## 2. Get ready for court

Gather all your evidence. This may include:

- proof of the apartment's condition, like photos and repair requests
- proof you did pay or tried to pay rent, like receipts, money order stubs, payment records,
- messages or letters between you and your landlord.



The court cannot look at your phone for evidence. You must print documents or save photos, messages, and other records to a thumb drive.

If you owe rent, try to gather as much as you can before court. Look for rental assistance or local agencies that may help. Showing you are trying to pay can help your case.

## 3. Go to court

**Do not ignore your eviction case.**



- Go to all scheduled court hearings even if you are trying to work things out with your landlord.
- Arrive on time. If you have to leave the court because of work, childcare, or another appointment, tell court staff.
- If you do not go to court, you will be evicted. The court could also order you to pay up to \$10,000 to your landlord.

# EVICTION COURT GUIDE

Your first hearing will decide if you can stay in your home. A later hearing may decide how much money you owe.

The landlord's attorney may talk with you before court. You have the right to have a judge decide your case. You do not have to agree to anything or sign anything you do not understand.

## In most cases, you have three options:

### Move out

You can agree to voluntarily move out. The judge will decide how much time you have to move. The amount of time given depends on the judge.



### Make an agreement

You and your landlord may agree that you can stay if you pay the rent and charges owed or follow other terms. This is called a settlement or pay and stay.



### Fight your case

You can ask to talk to the judge and explain why you should not be evicted. If you fight the case the judge will have a hearing to decide if you should be evicted. The case may be continued to another date, and you may have to come back to court.



## If you have to move or are evicted

### Before you leave, you should:

- Take all your belongings
- Take photos of the unit's condition
- Return your keys and tell the landlord you moved out
- Give the landlord a forwarding address in writing (such as by letter, email, or text) for mail or your deposit



If you are not out by the move-out date, the sheriff may physically evict you. If the sheriff evicts you, you may be forced to leave right away, your belongings may be put in storage, and you may have to pay to get them back.

### Eviction Records

Rules about sealing eviction cases can be complicated, but you can ask the court to make the case temporarily private if you agree to move out.

# HOW TO FIGHT YOUR CASE

Below are examples of things you can say in court to explain your situation. You can also use your own words.

In addition to defending yourself, you can file a counterclaim. This asks the court to order the landlord to pay you money or fix a problem.

## If your case is about owing rent

### If you paid or tried to pay rent



"I paid the rent."

"I tried to pay, but they would not accept it."

### If the amount of rent they say you owe is wrong

"I do not think I owe this amount of money because...."

If the landlord is not in court:

"I would like this case dismissed or continued because I cannot question the landlord about the money owed."



## If your landlord did not make repairs or did not keep the home safe



"There are serious condition or safety issues."

"I reported these problems, but they were not repaired."

"Please consider these conditions before deciding if I should be evicted."

"Indiana law requires landlords to keep rental property in a safe and habitable condition."

### Things that can make a home unsafe:

- No heat or broken heating/air conditioning
- Electrical problems
- Plumbing problems or no running water
- Gas leaks
- Mold
- Roof leaks or flooding
- Rodent or bug infestations
- Broken appliances that came with the home
- Other unsafe conditions affecting your health or safety



But remember: Most judges will say that you cannot stop paying rent just because there are problems with the home.

## If your case is about a broken or ended lease

Tell the judge if:

- You did not get notice that your landlord would not renew your lease
- The eviction was filed after you requested repairs
- You fixed any issues the landlord claimed were violations
- You did not do what the landlord said you did

