

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 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 gets a warrant of eviction?

After your landlord gets a warrant of eviction, they must take the papers to a civil officer (usually a Marshal or a Sheriff). The 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, at least 14 days later, the civil officer will return to put you out. Tenants may only be evicted on business days (Monday through Friday, but not holidays) 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 take a tenant's personal possessions for themselves. The landlord is supposed to keep the tenant's possessions for a "reasonable" amount of time. Sometimes the

landlord arranges for the officer to put the tenant's possessions into a storage unit, and the tenant may have to pay the storage fee before the storage company will release the possessions back.

However, you should try to move all your possessions, especially your valuable ones, before you are evicted.

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

The officer who evicts you is supposed to check the home or apartment for pets and take the pets to the local animal shelter. However, you should still remove your pets to a safe area 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.

I have to move and want to put my belongings in storage, but I can't pay the monthly bill. What can I do?

You can apply for help with your storage payments at the Department of Social Services (DSS). You must be in a temporary living situation, such as a homeless shelter or staying with a friend or relative. There are other rules, like income limits, too.

If DSS decide to help with storage, they will only pay for as much storage as you need for your household size. For example, if you live alone, they will not pay to store several beds.

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

Your landlord is only responsible for not intentionally damaging or destroying your possessions for a "reasonable" amount of time after the move. 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 as possible, before or after your eviction, 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 (716) 847-0650.