

# Eviction

## What is an eviction?

An eviction is a legal process that allows a landlord to ask the court for permission to have law enforcement (like the police) remove a tenant from a home.

## What can lead to an eviction?

You can be evicted for violating the terms in your lease. A lease is considered a contract between you and the landlord.

Common violations include:

- Not paying rent when rent is due
- Causing damage to the home
- Allowing unauthorized people to live in the home
- Criminal activity

You can also be evicted if you continue living in the home after the lease period has ended.

## What is lease termination?

It is the first step in the eviction process. It means that the lease between you and the landlord has ended.

Leases end at the end of the lease period. In many cases, this is one year. A landlord can end a lease early if you violate the terms of your lease.

At the end of the lease period, both the landlord and you have the choice about renewing the lease. A landlord may choose not to renew the lease for any reason except for discriminatory reasons protected under the Fair Housing Act. The discriminatory reasons include race, color, national origin, religion, sex, familial status, and disability.

## How does the eviction process work?

The most common type of eviction in Arkansas is called Unlawful Detainer. This is a civil lawsuit. The landlord asks the court to evict a tenant. Unlawful Detainer begins when the landlord gives you a written eviction notice stating that the lease has been terminated.

If rent was not paid, this notice must give you at least three days to leave. For all other lease violations, the notice period should be at least 14 days. To end a month-to-month lease (if there wasn't any other lease violation), the notice period must be at least one month.

If you stay in the home beyond the time given in the notice, then the landlord is allowed to file a lawsuit for Unlawful Detainer. You must get proper service of a summons and a complaint. Proper service is getting the summons and complaint by process server or by certified mail.

## What do I do if I am served?

Call an attorney immediately. In most cases, you only have 5 days from the date that you received the lawsuit to file a response with the circuit court clerk. If you do not file a response, the clerk will issue the order that allows law enforcement to evict you. If you do file a response, you will have a hearing with a judge. Call legal aid at 800-952-9243.

## What about my personal belongings?

Take them with you. If law enforcement has to evict you, any belongings that you cannot take with you will be removed and stored at your expense. If you move before law enforcement gets involved and leave your belongings in the home, your landlord may be able to consider the property abandoned. The landlord may then throw away or sell your items.

## Can a landlord throw me out without a court order?

No. A landlord cannot use any self-help method of eviction. Changing the locks, removing the doors or windows, shutting off utility services, and making threats are **ILLEGAL** ways to evict. If your landlord does this or threatens to do any of this, call an attorney and your local police department immediately.

## Can I be charged with a crime for falling behind on rent?

Yes. This charge is called Failure to Vacate. It is a separate legal process from Unlawful Detainer.

*The ALSP Law Series is produced by the Arkansas Legal Services Partnership, a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal services to eligible Arkansans who meet income, asset, and other guidelines. Legal services may include advice and counsel, brief services, or full representation depending on the situation. Additional information can be found at: [www.arlegalservices.org](http://www.arlegalservices.org). To apply for services, call 1-800-9LAW AID.*

*The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.*