

Eviction information excerpts from 603 Legal Aid

As of 8-4-2021

Eviction: how it works and where to get help

The CDC eviction moratorium on non-payment evictions expired for some tenants on July 31, 2021. A new CDC order has been issued covering some tenants in counties with “substantial to high transmission” of COVID-19. For more information, scroll up to the article “CDC eviction moratorium extended for some.”

Legal help: Have tenants call 603 Legal Aid to apply for free legal help as soon as they get an eviction notice. **Remind them to have their eviction notice and other related papers with them when they call.**

- **800-639-5290 or 603-224-3333.** Phones are open 9 AM to 1 PM and they can leave a message if they call outside those hours.
- Or they can apply online [Online Intake \(legalserver.org\)](https://legalserver.org) anytime.

Rental assistance: Encourage tenants to apply for rental assistance. There is still a lot of money to be distributed.

- Apply for NHERAP (NH’s Emergency Rental Assistance Program) through the CAP’s. Go to the program’s website [New Hampshire Emergency Rental Assistance - New Hampshire Housing \(nhhfa.org\)](https://nhhfa.org) or read the fact sheet [NHERAP-FAQ-web-updated-6.9.21 \(nhhfa.org\)](https://nhhfa.org).
- Apply at the CAP website [COVID Housing Splash Page | CAPNH](https://capnh.org).

This summary will help tenants understand the eviction process in NH:

- The eviction notice *must* be in writing.
- You do not have to move out when the eviction notice expires.
- The landlord and tenant writ will come from a sheriff. After the date on the eviction notice passes, your landlord must ask a judge’s permission to evict you. The landlord asks for a “landlord and tenant writ.” The sheriff will bring the writ to your home. You do not have to move out when you get the writ.
- Do you want to fight the eviction? If you want to fight the eviction, tell the court. To do this you must “file an appearance” with the court. The court should send you this simple one-page form or you can get it at the court. Go to [603 Legal Aid -Appearance for Tenant \(illinoislegalaid.org\)](https://illinoislegalaid.org) to use

a guided interview that fills out an appearance form for you. Don't be confused with the "illinoiselegalaid.org" address. This is the correct address to use the automated appearance form.

- **If you do not file an Appearance, the court may find you in default and that means your landlord can evict you within 5 days.**
- **You must return the appearance form to the court by the return day on the first page of the landlord and tenant writ.** You can hand deliver or mail the form to the court. Allow at least two days for delivery if you mail it.
- **Court date.** Once the court gets your "appearance form," it will send you a "notice of hearing." This will have the date and time of your hearing.
- **Go to your hearing or you could lose the case and be evicted.** Do not miss your hearing even if your landlord says that you do not have to go!
- **Talk to the judge.** At your hearing, tell the judge why you should not be evicted. If you need help with what to say, call **603 Legal Aid**. Even if there is no legal defense against the eviction, you can ask the judge for up to 90 days to move.
- **What if you lose?** If the landlord wins, the judge will sign a "writ of possession." You do not have to leave until the sheriff brings this writ to your home.

New eviction law

In July, the New Hampshire legislature passed, and the Governor signed a new bill that changes the eviction process. This bill, SB 126, will be very helpful to tenants. **Now, New Hampshire tenants can pay off any back rent they owe-- plus any late payment fees and \$15 in liquidated damages and the landlord's filing and service costs—at any time BEFORE their eviction hearing.**

The law used to be that tenants had to pay off the full amount of back rent owed before the eviction notice expired or the landlord could still go forward with the eviction. Now tenants will have more time to pay what they owe.

With this new law, if the back rent—plus any late payment fees, \$15 in liquidated damages, and the landlord's filing and service costs—is paid any time before the hearing, then the landlord cannot go forward with evicting the tenant for nonpayment of rent.

This gives tenants more time to apply for assistance through their local welfare office or through the New Hampshire Emergency Rental Assistance Program. This new law should help tenants stay in their homes and allow landlords to protect their income.