

If you're 60 or over, call your local legal aid office:

Eastern CT	800-413-7796	Western CT	800-413-7797
Hartford Area	860-541-5000	Bridgeport Area	800-809-4434
Stamford Area	800-541-8909	New Haven Area	203-946-4811

If you're under 60, call SLS for help:



Statewide Legal Services
1-800-453-3320
860-344-0380

Search our website for help:



www.ctlawhelp.org

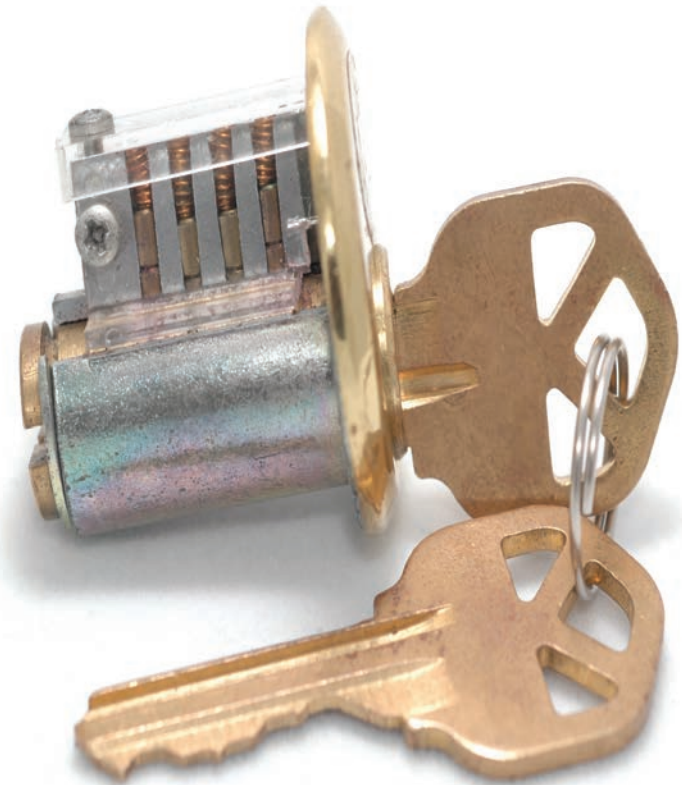
HOUSING

LEGAL SERVICES

SELF-HELP SERIES

Evictions and Lockouts

April 2018



We offer free legal help in many areas, including

- welfare,
- SNAP (food stamps),
- divorce,
- child support,
- domestic violence,
- bankruptcy,
- special education,
- nursing home care,
- health insurance,
- eviction,
- foreclosure,
- and more.

See the reverse side for more about legal services.

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Statewide Legal Services
1-800-453-3320 or 860-344-0380

Search our website for help:



www.ctlawhelp.org

If you're over 60, call your local legal aid office.

Connecticut Legal Services

www.ctlegal.org

Bridgeport

1000 Lafayette Blvd 203-336-3851
Suite 950

New Britain

16 Main Street 860-225-8678

New London

125 Eugene O'Neill Dr.
Suite 120 860-447-0323

Stamford

20 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

1125 Main Street 860-456-1761

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue
Hartford, CT 06105
860-541-5000

New Haven Legal Assistance Association

www.nhlegal.org

426 State Street
New Haven, CT 06510
203-946-4811

Consumer Law Project for Elders

Free legal assistance to people 60 and over throughout Connecticut who have money/debt problems.

1-800-296-1467

Evictions and Lockouts

Lockouts

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This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services of Connecticut. The information in this booklet is based on laws in Connecticut as of 4/2018. We hope that the information is helpful. It is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer.

Does the law protect anyone else from eviction?

Yes. There are additional requirements that a landlord must comply with before starting an eviction case against

- owners of mobile homes,
- tenants in apartments that the landlord wants to convert to condominiums, and
- tenants living in units where the landlord lost ownership due to foreclosure.

Does everyone in my home have to be a senior?

No. You qualify if your spouse, brother, sister, parent, or grandparent lives with you and is 62 or older.

Important! You may have to prove your disability or age. You can use a medical report or proof of Social Security income.

If I qualify for good cause, does that mean my landlord can never evict me?

No. Your landlord can still evict you if

- you don't pay the rent;
- you don't agree to a *fair and equitable* rent increase;
- you don't keep your unit clean and safe;
- you don't follow your lease, your landlord's rules for the building, and state law;
- the landlord wants to stop renting the apartment altogether; or
- the landlord wants to move into the unit.

How do I know if a rent increase is fair and equitable?

Some towns have a *Fair Rent Commission* that can decide if a rent increase is fair. You can search the Internet or the government pages of your town's phone book to see if there is a Fair Rent Commission in your town.

Tips to Help You Stay in Your Apartment

- ▶ Always get a receipt for rent you paid with cash or a money order. Keep your receipts and cancelled checks.
- ▶ Pay your rent by the 10th day of the month (or by the 5th day if you pay your rent weekly).
- ▶ Never stop paying rent, even if there are problems with your apartment or your landlord.
- ▶ Never ignore or tear up legal papers.

Lockouts

Can my landlord lock me out?

No. It is against the law for your landlord to

- change the locks on your home,
- keep your belongings, or
- do anything else to keep you out of your home.

What can I do if I get locked out?

Call the police right away. A lockout is a crime. Show the police proof that it is your apartment, like a rent receipt, a cancelled rent check, or a utility bill with your name and address on it.

You have the right to ask the police to order your landlord to let you back into your apartment. If the landlord refuses, you can ask the police to arrest your landlord.

Can I break into my apartment?

Call the police first and let them talk to your landlord. If the police can't find your landlord or your landlord won't let you back in, tell the police that you are going in on your own. Try not to break anything unless there is no other way to get back in.

Caution! If you expect trouble from your landlord, ask the police to be there when you go back in. The police should stop your landlord from getting in your way. They should not arrest you unless you break more things than you had to or you fight with the landlord.

What if I can't get back into my apartment?

You can sue your landlord for an illegal lockout. If you win, the court can make your landlord

- let you back into your apartment;
- return your belongings;
- pay you one month's rent (for going into your apartment without your permission); and
- pay you for damaged or missing property or expenses you had because of the lockout (lawyer's fees, meals, hotel).

What if I get locked out of my hotel or motel room?

It is against the law for the hotel/motel manager to lock you out of your room if

- the hotel/motel was your primary home from the time you moved in,
- you have been at the hotel/motel for at least 30 days and it has become your primary home, or
- you have been living there for at least 90 days.

How do I sue my landlord for illegal lockout?

It's best to talk to a lawyer if you can. If you have very low income, call Statewide Legal Services at 1-800-453-3320.

You can ask your landlord for more time, but he or she does not have to give it to you.

You can get 3 extra months to move out if you are evicted because you did not pay the rent, but you must fill out a *Stay of Execution* (#JD-HM-21) form and pay the court all of the rent you owe within 5 days of the judgment. You must be prepared to pay for each month that you stay.

If you are evicted for a reason *not* listed above, you may ask the court if you can stay up to 6 months by filling out a *Stay of Execution Application*. The court does not have to let you stay at your apartment, so think about your other options in case the court says no.

The law says some people must not be evicted

A special law called *good cause* can protect you from eviction in some cases. Get legal help right away so you can tell the court that you are protected by good cause.

Who qualifies for good cause?

To qualify for good cause, you must

- live in a rental unit that has at least 5 units in all, and
- have a physical or mental disability or be a senior (62 or over).

Do all disabilities qualify?

No. The disability must be physical or mental and it must be expected to last at least 12 months.

Warning! You can be evicted even if you have small children, a subsidy, or it is the middle of the winter. Pack your things as fast as you can before the marshal comes back. Start with your medications and important legal documents, like birth certificates and ID cards.

What if I get evicted and lose my belongings?

- Call **2-1-1**. Ask about programs that can help you find a place to live.
- You can get your belongings back from your town if you ask for them within 15 days. They will charge you moving and storing costs, but you can ask them to reduce or eliminate these costs. After 15 days, the town will sell your things at a public auction. You can try to buy them back at auction if you want to. This may cost less than paying for moving and storage.
- If you get welfare, contact your DSS worker right away. DSS sometimes helps with housing and moving costs, or they may pay for the security deposit for your next apartment.

Can I ask for more time to move?

You will automatically get 5 extra days to move out if you are evicted because

- you broke the law or the rules in your lease, or
- your landlord did not agree that you could live there.

Note: You must file something with the court within **five days** of the judgment if you want

- more time to move,
- to appeal the judgment, or
- the judge to reopen the case.

If you are able to get back into your apartment but some of your property was damaged, lost, or you had expenses because of the lockout, you can sue your landlord for up to \$5,000 in small claims court. You don't need a lawyer in small claims court. The staff at the Court Service Center at your local courthouse can help you with the court forms. For more information, see *Small Claims Court Frequently Asked Questions* and the legal aid booklet, *Small Claims Court*.

To sue your landlord for an illegal lockout, follow these steps:

1. Fill out the court forms. Staff at the Court Service Center can give you the forms and help you fill them out. You can also find the forms online at www.jud.ct.gov/webforms.

- *Verified Lockout Complaint and Application for Temporary Injunction* (#JD-HM-24)
- *Summons and Order to Show Cause* (#JD-HM-23)

2. Sign the forms in front of the court clerk, a notary, or a lawyer.

3. Give the forms to the housing court clerk. If you don't have enough money to pay court fees, you can ask the court for an *Application for Waiver of Fees* (#JD-CV-120). See our booklet, *Can't afford to pay court fees?*

4. The clerk will give your forms to the judge. The judge will decide

- if the court will accept your case,
- if your landlord has to let you back into your apartment right away, and
- the date you and your landlord must go to court.

5. Give the forms to a state marshal to be served on your landlord. The clerk can give you a list of marshals. The marshal will either bring the papers to the courthouse or give them back to you and you'll need to file them with the court yourself.

6. Go to court on your hearing date and tell the judge what happened.

What if my landlord thinks I moved out?

Your landlord cannot change the locks just because he or she **thinks** you moved out. The landlord must be **sure** you have moved out. For example:

- You returned the key.
- You moved most or all of your things and it looks like you are not coming back.
- You told your landlord you were going to move and then you moved out.

If the landlord is not sure that you have moved out, he or she **cannot** change the locks, but he or she **can** ask the court to evict you.

Evictions

What if my landlord wants to evict me?

Your landlord can try to evict you, but there must be a court judgment first. Unless your landlord wins in court, he or she must not take your things or evict you, even if you owe back rent.

Warning! Do not sign an agreement if you cannot do what it says. If you disobey the agreement, you can be evicted very quickly.

What if the landlord and I can't make an agreement?

You will have a trial and a judge will decide your case. Your trial will probably take about an hour.

1. The judge will call your case. The landlord will speak first. He or she will explain why you should be evicted. He may show the judge papers or other evidence.
2. The judge will ask you to tell your side of the case. You must explain why you should not be evicted. You can also show the judge papers, photos, and other evidence.
3. The judge may ask you, the landlord, or any witness questions. You can ask questions when it is your turn to speak.
4. The judge will decide, and the court will mail its decision (called an *Order* or a *Judgment*) to you and the landlord.

What happens if I win?

If you win, you get *possession*, which means you can stay in your apartment.

What happens if I lose?

If you lose your case, you will have to move out in as few as five days. Your landlord will get permission from the court to hire a marshal. A marshal must tell you at least 24 hours before he or she comes to remove you and your things from the apartment.

If you don't move out before the marshal comes, the marshal will take your belongings from the apartment (even if you are not there), and the landlord can lock you out.

You will have a better chance of winning your case if you do these things:

- Get a lawyer to speak for you in court. Call Statewide Legal Services at 800-453-3320.
- Organize and make copies of all the papers you need to prove your story (rent receipts, letters, lease, etc.).
- If you have witnesses, ask them to go to court to say what they know about your case.
- Try to take the day off from work and get a babysitter if you have children. You may be in court between 2 and 5 hours.

How can I get ready for my trial?

- Get to court early.
- Turn off your cell phone.
- Have your papers and witnesses ready.
- Be polite to everyone and follow all instructions.
- Stand up when you speak to the judge, and call the judge “Your Honor.”
- Do not chew gum, use earphones, or read in the courtroom.
- Wear your best clothes.

Will my trial start right away?

You and your landlord will speak to a mediation specialist first. The mediation specialist will try to help you and the landlord make an agreement (also called a *stipulation*) instead of having a trial. If you can come to an agreement, it will be put in writing and will be signed by you, the landlord, and the judge. You will each get a signed copy of the agreement.

You can also make an agreement on your own with the landlord, but talk to the housing specialist before you sign it.

Can my landlord evict me?

Yes, but your landlord must get the court’s permission first. Unless the court agrees with the eviction, your landlord **must not**

- lock you out of your home,
- shut off your heat or lights, or
- make you leave before the court decides your case.

If you don’t want to leave, follow the steps below to try to stop the eviction.

How would I know if my landlord wants to evict me?

If your landlord wants to evict you, you may get a *Kapa Notice* or a *Notice to Quit*.

A *Kapa Notice* is an informal warning letter that

- explains what you did wrong, and
- tells you to stop or to pay for damages you caused within **15 days**.

If you fixed the problem within fifteen days, make sure to get as much proof as you can. For example, if you hired someone to fix damage or you bought the parts to fix damage yourself, keep the receipts. If the landlord says you allowed someone to live with you who was not allowed to live there, get proof that the person lived somewhere else.

If the problem is not solved within 15 days, your landlord may send you a *Notice to Quit*.

A *Notice to Quit* is a court form that asks you to leave by a certain date because

- you did not pay your rent;
- your landlord did not agree that you could live there;

- you broke your lease or the law (for example, you sold drugs there or damaged the apartment); or
- your landlord wants to end your month-to-month lease or your lease has ended. (Your landlord must not make you leave if your lease has not ended.)

Important! You do not have to leave on the date listed on the *Notice to Quit*.

What should I do if I get a *Kapa Notice* or a *Notice to Quit*?

- Talk to your landlord and try to solve the problem.
- Talk to a lawyer. Call Statewide Legal Services at 800-453-3320.

Note: If a housing authority wants to evict you, send a letter to the manager or director asking for a hearing. Keep a copy of the letter.

What happens if I can't work things out with my landlord?

If the problem is not solved and you don't leave, your landlord may ask the court to evict you. If this happens, a marshal will give you a *Summons* and a *Complaint*.

If you get a *Summons* and a *Complaint*, call Statewide Legal Services at 1-800-453-3320.

If you cannot get a lawyer to help you, you must follow these steps:

1. Fill out these court forms: *Appearance* (#JD-CL-12) and *Answer* (#JD-HM-5).
2. Make 2 copies of the completed forms.
3. Take the original forms to the court clerk within 2 business days of the *Return Date* on the *Summons*.

4. Give (or mail) a copy to your landlord or the landlord's lawyer.

If you have questions or need help, call Statewide Legal Services at 800-453-3320.

Warning! If you do not fill your forms out completely, correctly, and on time, you could lose your case.

Where can I get the court forms I need?

The forms are free, and you do not have to pay to file your completed forms at court. You can get the forms at:

- <http://www.jud.ct.gov/webforms>, or
- the court clerk's office or Court Service Center (the address is listed on the *Summons*).

What happens after I give my forms to the court?

The court will mail you a letter with the time and date of your trial. If you don't go to court for your trial, your landlord will probably win and you will be evicted. If this happens, a marshal can make you move out with as few as 24 hours' notice.

Can I ask the court for another trial date?

If you have a very good reason for needing a different court date, you must ask for a *Continuance* **at least 3 days** before your court date. To do that, fill out and file a *Motion for Continuance* (#JD-CV-21).

If you missed your court date but you have a very good reason for missing it (like being in the hospital), you have 5 days to ask the court to open your case again. You will need to fill out and file a *Motion to Open* (#JD-CV-51). It will help your case if you have proof of the reason why you had to miss court. Ask someone at the Court Service Center for help with the forms.