

# THREATENED WITH EVICTION? KNOW YOUR RIGHTS!

Has your landlord threatened to lock you out of your home or shut off your utilities (water/electricity/gas/etc.) to get you to move out?

**DON'T** move out because of this threat. Leaving “voluntarily” can waive your legal rights.



## To evict you, your landlord must

- **Give you a written notice.** You do not have to move just because you have received this notice.
- **File an Unlawful Detainer in court.** Almost all landlords need a court order to evict a tenant.
- **Give you a copy of the court papers.**
- **Go to court** at the date and time of the hearing. You should go to this hearing too.
- **Get a judgment of possession** from the court.
- **Get a Writ of Possession** from the court. The sheriff can then give you notice and change your locks.



## Illegally evicted? Take action!

- You can file a “**Tenant’s Petition for Relief from Unlawful Ouster**” in **General District Court** to be let back into your home or have utilities turned back on. A court may also order your landlord to pay you damages.
- A copy of the simple one page form (DC-431) and instructions are on Virginia’s court website, [www.courts.state.va.gov](http://www.courts.state.va.gov).
- If you need assistance, call the Legal Aid Justice Center: 434-977-0553. Our services are free.

## Common Exceptions:

- If you are staying in a hotel, motel, boardinghouse, or similar housing that is **not your primary residence** or you have been staying there **less than 90 days**, the owner can evict you without going to court.
- But, if you have lived in any such housing for **90 days or longer**, then the owner must go to court and file an Unlawful Detainer to evict you.

This flyer is produced by the Legal Aid Justice Center  
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