

Eviction Navigation Guide

Legally Valid Reasons for Eviction

- Failure to pay rent
- Violation of lease agreement
- Cause of significant damage to property
- Breaking of noise, occupancy, or health ordinances
- Causing health or safety hazards

If you are worried about being evicted, prepare by doing the following:

- Know the eviction steps
- List the rent and utilities you owe monthly and cumulative outstanding balances
- List the income you have or expect to have
- Plan how to use your income as you receive it
- Ask local community organizations for assistance
- Talk to your landlord - request a payment plan you can manage
- Promptly answer any written notices from your landlord
- Begin exploring other housing options

A landlord CANNOT do any of these actions without a court order:

- Remove tenant's belongings from property
- Remove the tenant physically
- Change locks or lock-out tenant
- Shut off essential utilities
- Harass tenant

Tenants should document any such communications or harassments from landlord for your records.

The CDC eviction moratorium has expired and evictions are proceeding. It is important to know your rights as a tenant and the proper legal proceedings for eviction.

GwinnettCares.org

For rent, utility, or eviction assistance:

Project RESET - gcga.us/rentalassistance - 770-822-7501

If you are at risk for eviction from an extended-stay hotel/motel or are experiencing an episode of homelessness, request assistance here:

homefirstgwinnett.org - 770-847-6765

For free legal help:

atlantalegalaid.org - 678-376-4545

Eviction Steps

1. Landlord Makes Written/Verbal Demand for Possession

Lease should lay out grace periods for late rental payments before a demand is made and include notice for termination provisions.

2. Landlord Files Dispossessory Affidavit with Court

Reported on Credit Record. Court will process affidavit and require landlord to serve tenant.

3. Tenant Served Eviction Affidavit

Most common affidavit service methods are to tack a copy to the door of the property and mail a copy via certified mail. Dates on affidavit and any mailed copies must match to be valid.

4. Tenant Answers

Tenant must respond to Eviction Affidavit within 7 days of serve date. Any answer by tenant, no matter argument for non-eviction, must be accepted by the court and allow for hearing to be scheduled. Failure to respond means default judgement to landlord. Responses can be filed by e-file for approximately \$15 or in-person at the Gwinnett County Courthouse for free. If you do not respond within 7 days, the court will approve the eviction without a trial and order a writ of possession.

5. Court Hearing

Tenant and landlord have right to present case to Magistrate Judge.

6. Writ of Possession

Magistrate Judge will make ruling and issue a writ of possession.

7. Appeal

Either landlord or tenant can request an appeal of ruling within 7 days of hearing conclusion.

8. Eviction

If ruled in favor of the landlord, Sheriff's Office of Civil Division will oversee the landlord's removal of remaining tenant property from unit. If evicted, tenant still owes the outstanding rental amounts and all associated fees.

Gwinnett Cares About YOU

In the wake of COVID-19, many have lost their jobs, some are struggling to put food on the table, while others are fighting to find or keep their housing. Gwinnett Cares has rallied hundreds of community-based organizations who are working real-time to provide the assistance you need to move from crisis to relief to recovery. These partners include local cooperative ministries, housing providers, food pantries, healthcare organizations, government entities, foundations, faith-based partners, non-profits, private businesses, and many others. Gwinnett Cares partners are committed to delivering resources to our community as safely, quickly and equitably as possible. All are fully committed to help our community's most valuable asset, YOU!

Caring For Our Community Through COVID-19

Visit GwinnettCares.org for a complete list of resources available.