



# Legal Aid Society

of Middle Tennessee & the Cumberland Mountains

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## The federal eviction moratorium expires July 31: What renters need to know

*By Zac Oswald, Legal Aid Society*

The Centers for Disease Control and Prevention's [federal eviction moratorium](#) will expire on July 31. According to The National Equity Atlas, approximately 167,000 households in Tennessee are behind on rent right now and at risk of eviction. If you are a renter, now is the time to ensure that you are aware of your rights, options, and the eviction process.

### **What's happening**

The eviction moratorium, which was put in place in September 2020 in response to the pandemic, protects tenants from being evicted for nonpayment of rent. It is important to know that the moratorium did not cancel rent payments – tenants still owe rent to landlords. If you have not been paying due to financial hardship, all that money may still need to be paid back.

As of August 1, 2021, landlords will be able to take action to evict tenants for nonpayment of rent. However, they have to do so legally. A landlord cannot change the locks, cut off utilities, or evict you without notice. If they try, you may be able to sue for damages. Physical eviction can only happen when the case has gone through a court and law enforcement.

### **The eviction process**

If your landlord wants to evict you for nonpayment of rent, they must go through the court system to legally do so. The process is different depending on which county you live in – counties with more than 75,000 residents must follow the Uniform Residential Landlord and Tenant Act (URLTA). In most cases, the first thing that will happen is you will receive a letter or notice to move out by a certain date. Typically, this notice will come 14 days before the landlord can file for eviction. Be careful, though – your lease may have a clause that says your landlord can go straight to court without giving you notice. These 'waivers' of your right to notice are legal in larger counties that adhere to URLTA.

Next, you will be served a paper to go to court. This is called a "detainer warrant." At your hearing, the judge will decide whether or not you must move out. It is important to go to your

court date because you can tell the judge your story and ask for more time in your home. If you do not go to court, you may lose automatically. If you lose, you have at least 10 days to move out, and if you don't leave, the landlord can then ask law enforcement to force you out.

## **Your options**

If you are still struggling financially at this time, always prioritize the essentials of living – pay for what is going to keep you healthy and safe. If you owe back rent or still cannot afford your payments, take steps now to address the problem. Call your landlord and try to reach an agreement for repayment.

There is emergency assistance available that you can apply for to help pay for rent and utilities. Here are the links to more information and the application portals:

- Davidson County: [Metro Action HOPE Rental Assistance Program](#)
- Knox County: [Knox Housing Assistance Program](#)
- Rutherford County: [Rutherford County COVID-19 Rental Relief Program](#)
- Shelby County: [Community Services Agency Comprehensive Emergency Assistance Program](#)
- All other Tennessee counties: [Tennessee Housing Development Agency \(THDA\) COVID-19 Rent Relief](#)

These applications require a lot of information and documents, such as your lease agreement and proof of income, so try to gather everything you think you may need to apply for relief prior to starting your application. If you don't have them, call an attorney to help you navigate the system.

Landlords struggling because their tenants have not paid can get assistance too. Landlords can use the same links to start an application for rent relief on behalf of their tenants.

If you are facing an eviction notice or you want to get more information about your rights as a tenant, [Legal Aid Society of Middle Tennessee and the Cumberlands](#) has [brochures](#) on its website that outline your rights and duties as a renter, depending on your county of residence. Be sure that you are looking at the right brochure for your county.

Additionally, Legal Aid Society has legal experts that are available to help, including with navigating the rental relief application. Call us at 800-238-1443, visit [www.las.org](http://www.las.org) or contact us during one of our [free legal clinics](#) for more information and to see if you are eligible for assistance.

## **About Zac Oswald**

Zac Oswald is the managing attorney of [Legal Aid Society's](#) Gallatin office, practicing Housing and Consumer Law, and the team lead of the firm's Housing Practice Group. He is a graduate of Oklahoma State University and a 2013 cum laude graduate of University of Miami School of Law. He started at Legal Aid Society in 2014 as a University of Miami Legal Corps Fellow. He was

the 2016 recipient of the Tennessee Alliance for Legal Service's New Advocate of the Year award.

**About Legal Aid Society**

Legal Aid Society of Middle Tennessee and the Cumberland Mountains advocates for fairness and justice under the law. The non-profit law firm offers free civil legal representation and educational programs to help people in its region receive justice, protect their well-being and support opportunities to overcome poverty. It serves 48 counties from offices in Clarksville, Columbia, Cookeville, Gallatin, Murfreesboro, Nashville, Oak Ridge and Tullahoma. Legal Aid Society is funded in part by United Way. Learn more at [www.las.org](http://www.las.org) or by following the firm on [Facebook](#).

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