

## ICADV's Legal Housing Hotline:

Call or text (317) 762-5115



### Legally Brief-FACT SHEET:

#### Eviction Basics: Did You Know?

- Your landlord cannot evict you without a court order.
  - If you haven't abandoned your home, your landlord cannot change the locks, install a deadbolt, take off doors, or do anything to stop you from entering your home. If this happens call the police.
  - Exception: abandonment. If it looks like you don't live there anymore (for example, your things are gone and you have not been there for awhile), the home may be considered abandoned.
- Victims of domestic violence are afforded special rights and can, in some cases, have their locks changed or terminate their lease entirely if needed for their safety. <http://icadvinc.org/domestic-violence-programs/> or call or text the ICADV Legal Housing Hotline at (317) 762-5115.
- Always try to talk or email with the landlord and work out any issues before an eviction is filed and save those conversations if possible.
- Do not ignore communication from your landlord. Just having the eviction on your record can be detrimental to your ability to get future housing.

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- Evictions in Indiana occur in two separate hearings: **the possession hearing** and **the damages hearing**.
  - The **possession hearing** is the first hearing, and is to decide who has the right to possession of the premises.
  - If the tenant is in violation of the lease (which is a contract), the landlord will have the right to possession and the court will order that the tenant be out by a certain date. (This is usually within a few days of the court hearing; you don't get much time to move).
  - If the court finds the tenant has not violated the lease, then the case is over, and the tenant does not have to move.
  - This unsuccessful eviction is expungable (see below), which means it can be taken off your record.
  - The **damages hearing** is for the court to decide if the tenant owes the landlord any money in past due rent or damages.
  - Never just ignore a court order to appear. Judges typically prefer to work out an agreement instead of evicting someone.
- Unsuccessful or evictions that do not result in judgment orders against the tenant are expungable, which means those records can be sealed. For more information on how survivors can expunge an eviction action, contact the ICADV Legal Housing Hotline at (317) 762-5115 or go to <https://indianalegalhelp.org/>.
- Legal and informational resources are available!
  - <https://indianalegalhelp.org/events/>
    - A calendar of statewide eviction legal clinics
  - <https://indianalegalhelp.org/>: Indiana Legal Help provides links to attorneys, forms and resources for those with questions.