

Eviction from Hotels, Motels, Boarding Houses, etc.

(current as of March 31, 2020)

I live in an extended-stay motel. Can my landlord evict me without taking me to court?

MORE THAN 90 DAYS: If the room or suite has been your primary residence for more than 90 days or you have a written lease for at least 90 days, you have legal protections against eviction just like a tenant in an apartment or house.

- It is illegal for a landlord to evict you without getting a court order and involving the sheriff's office.
- If the eviction is for nonpayment of rent, the landlord must give you a written 5-day notice before filing in court. The notice must tell you how much you owe and give you 5 days to pay or the landlord will terminate the lease.
- After the 5 days are up, the landlord must file an "unlawful detainer" case in court to ask for a court order to evict you.
- Right now (through at least April 26th) the courts are not scheduling unlawful detainer cases and sheriffs are not carrying out evictions.

90 DAYS OR LESS: If you have lived there for 90 days or less and do not have a lease of at least 90 days, you do not have the same legal protections against eviction.

- A landlord can evict you without taking you to court.
- If the room or suite has been your primary residence, the landlord must give you a written 5-day notice of nonpayment before evicting you.
- If it is not your primary residence, the landlord can evict you without the 5-day notice.

If my landlord tries to evict me illegally, what can I do?

If you qualify for legal protections against eviction (90+ days tenant) but the landlord tries to put you out without going to court, you can do two things to protect your rights.

- You can try calling the local police or sheriff. They should know the law and tell the landlord to take you to court before evicting you.
- You can file with the local General District Court asking for an emergency hearing to get you back into the unit. This is called a Petition for Relief from Unlawful Exclusion. Because it is an emergency, the court should hear the case quickly even during the COVID-19 judicial emergency when the courts not hearing most cases.

If you are facing eviction, if your landlord attempts to lock you out without taking you to court, or if you have questions about your rights, contact your local legal aid by calling 1-866-LEGL-AID or get legal advice from the Eviction Legal Helpline by calling 1-833-NoEvict. Visit VaLegalAid.org for more information.