

## How do evictions work?

### **Note: You cannot be evicted because of your source of income.**

The federal Fair Housing Act prohibits discrimination in housing related transactions because of race, color, religion, national origin, sex, disability or familial status (presence of minor children or pregnancy). Additionally, HUD now administers and enforces the Fair Housing Act to prohibit discrimination on the basis of gender identity and sexual orientation.

Rhode Island's fair housing law also prohibits housing discrimination on the basis of: age, sexual orientation, gender identity or expression, marital status, veteran or military status, status as a victim of domestic violence, and now, source of income.

[Click here for more information.](#)

There are a few steps to legal evictions. Papers have to be filed with the court, a hearing must be scheduled, and after the hearing, a judgment entered by a judge. After a judgment is entered, a court order for the tenant to move out (an "order of execution") can be issued. The court order to move someone out of their home can only be enforced by an authorized constable or sheriff. On June 1, 2020, the courts started doing eviction hearings and enforcements of move-out orders. Legal evictions have been allowed to take place.

Sometimes landlords try to evict people without going to court. These evictions are called "self-help evictions" and they are illegal.

## Can my landlord come and move me out?

Landlords cannot move you out without going to court and getting a court order. If someone comes to move you out, make sure that they have a court order signed by a judge. Only a constable or sheriff authorized by the State of Rhode Island can move you out with a court order. Ask to see their credentials and call the police for assistance if they cannot show you proof of ID as a sheriff or constable, or if they do not have a court order. Your landlord cannot just come to your home and move you out even if they claim they have a court order. Only a constable or sheriff can move you out with a court order.

If you believe your landlord is trying to evict you illegally, you can contact Rhode Island Legal Services or the Rhode Island Center for Justice (information below) for help. You can also file a complaint with the Rhode Island Attorney General. To ensure your complaint is able to be properly responded to, it is recommended you file a police report.

## I received an eviction notice. What should I do?

You cannot be legally evicted until after the case has been processed through the court system and received a hearing. You should check the notice to see whether it is a demand for rent or a court summons for eviction. A demand for payment of rent is different from a court summons for eviction. If you received a demand letter for payment of rent, you may be able to work out a payment agreement with your landlord or property manager.

If you received a notice to appear in court, you should make every effort to attend the hearing and seek legal assistance. You should keep any evidence of your efforts to pay rent. You should document any changes to your income at this time and track any conversations you have with your landlord about making partial payments or about losing your income. These are very important to show the court. It is very important that you get and keep receipts for rent that you pay. Proof of payment can be a money order receipt, a canceled check or a receipt from the landlord.

# RI FACT SHEET CONTINUED

Updated 12/19/2022

Where can I go for help with an eviction?

If you live in a private rental home, contact the Rhode Island Center for Justice:

- (401) 491-1101.
- *The RI Center for Justice is able to serve tenants who are undocumented or do not have legal status.*

If you have Section 8 housing or live in public housing, or private housing, you can call Rhode Island Legal Services:

- (401) 274-2652.
- *RI Legal Services cannot provide services to residents who are undocumented.*

Both RI Legal Services and the RI Center for Justice can answer general housing questions and concerns.

If you are experiencing homelessness or at immediate risk of becoming homeless, you can contact the Rhode Island Coordinated Entry System at (401) 277-4316.

Providence Residents Only:

**Providence Eviction Defense program** - The Eviction Defense program will operate for a period of one year and will provide services to **Providence residents** who earn 65% or less of the Area Median Income (AMI) or who live in a Providence qualified census tract. The program will assist tenants through the support of attorney advocates and law students, access to a tenant help desk located in the Sixth District Housing Court in Providence and increased community supports.

For more information about this program, applicants can visit [PVDRescuePlan.com/](http://PVDRescuePlan.com/) Apply, contact **Rhode Island Legal Services at 401-274-2652**, or visit the **Tenant Help Desk in the Sixth District Housing Court in Providence**.

Is there rental assistance available?

Rent Relief Rhode Island closed to applications in April 2022 due to depletion of Emergency Rental Assistance funds.

Where can I go for more help?

Depending on what you need help with, there are lots of resources. Call United Way of Rhode Island at 2-1-1 to speak to someone who will refer you to help based on your needs.

#### For utility assistance:

Heating assistance is available through CAP agencies via the Low Income Home Energy Assistance Program (LIHEAP). Visit your community's CAP agency to apply:

1. **Blackstone Valley Residents:** Blackstone Valley Community Action Program. [www.bvcap.org/](http://www.bvcap.org/)
2. **Coventry, Cranston, Foster, and Scituate Residents:** Comprehensive Community Action Program. [www.comcap.org/](http://www.comcap.org/)
3. **East Providence, Warren, Bristol, and Barrington Residents, & Newport, Portsmouth, Tiverton, Middletown, Jamestown, and Little Compton Residents:** East Bay Community Action Program. <https://www.ebcap.org/>
4. **Johnston, North Providence, North Smithfield, Smithfield, Burrillville and Gloucester Residents & Exeter, Charlestown, Narragansett, Westerly, North/South Kingstown, Richmond, West Greenwich and New Shoreham Residents:** Tri-County Communication Action Agency. [www.tricountyri.org/](http://www.tricountyri.org/)
5. **Providence Residents:** Community Action Partnership of Providence. [www.cappri.org/programs/low-income-home-energy-assistance-liheap](http://www.cappri.org/programs/low-income-home-energy-assistance-liheap)
6. **Warwick, West Warwick, and East Greenwich Residents:** West Bay Community Action Program. [www.westbaycap.org](http://www.westbaycap.org)
7. **Woonsocket Residents:** Community Care Alliance. [www.communitycareri.org/](http://www.communitycareri.org/)



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