

Evictions

What is an Eviction?

An eviction is an accelerated legal action to decide who has the right to possess the property.

Eviction:

A tenant may be evicted at any time for:

- Non-payment of rent
- Violating the lease
- Disturbing the peaceful enjoyment of the premises or adjacent premises by others
- Engaging in or permitting illegal activities on the premises

This handout is intended to provide information; it is not intended to be legal advice.

Eviction Proceedings:

- In most cases, the landlord must first serve a "Notice of Intent to Evict" upon the tenant at least three days before starting a legal eviction action.
- This notice is sometimes called a "Notice to Quit" or "Notice to Vacate."
- If the tenant cannot be found, this Notice can be mailed to the tenant's last known address or posted on the door of the residential unit.
- If the tenant continues to remain in or on the premises three days after the service of this Notice, then the landlord may begin a legal eviction action by serving a summons and a complaint.
- The summons must specify the date and time for a court hearing that will be between three and fifteen days later.
- If the judge decides in favor of the eviction, the tenant will be evicted on the same day as the court hearing, unless the tenant can show hardship and that the eviction is not due to a disturbance of the peace, in which case the judge can give the tenant up to five days to move out.
- Only the sheriff's office can legally remove a tenant's belongings from the property during the process of eviction; the landlord cannot.

Additional Resources

- [North Dakota Department of Labor and Human Rights](#)
- [High Plains Fair Housing](#)
- [Legal Services of North Dakota](#)
- [ND Supreme Court Self Help Center: Eviction for Tenants](#)
- [ND Supreme Court Self Help Center: Eviction for Landlords](#)

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