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1 INTRODUCTION

As a landlord, you have tried to make sure you rent to reliable, safe tenants, but every so often you rent to someone that must be removed from your property.

Eviction is a legal process by which a landlord may terminate a tenant's right to remain on the rental property.

French lawmakers have designed a specific procedure for removing tenants.

This guide will review some of the more common eviction rules and provide some information on evictions for when it happens to you.

2 REASONS TO EVICT

When landlords evict a tenant, they are forcing someone to leave their home. Consequently, a landlord must have a valid reason for beginning the process.

Evictions can take place where the tenant is in violation of one or more provisions of the lease agreement. Some valid reasons for eviction may include :

- Failure to pay rent on time
- Harboring pets or persons not authorized to reside at the premises under the lease
- Illegal or criminal activity taking place within the rental premises

3 REASONS NOT TO EVICT

Tenants have several defences to an improper eviction. Since eviction can be an unpleasant and costly process, it is important to be sure, before you begin, that the tenant cannot assert any of the following defences :

- **The property is not well maintained** : Tenants usually have a right to live in a home that is well maintained and liveable.

If your tenants have given you notice that there is a defect in their unit, and you have not acted to fix it, the tenant may refuse to pay part of their rent while living lawfully on your property.

If the property is so poorly maintained that it is not liveable, the tenant may withhold all rent under conditions.

- **The tenant is a member of a protected class** : According to French laws, discrimination based on race, colour, national origin, sex, religion, disability, or pregnancy is prohibited.

French laws also protect tenants aged over 70 years and whose annual income is less than 1½ times the annual amount of the minimum wage. Landlord then has to provide tenant with another similar property.



This new property must match with the tenant's financial means, with its needs (accessibility, elevator ...) and near its current home. Resources are assessed at the date of notification to leave and the age assessed at the date of the term. Landlords aged over 60 years, or landlords (whatever their age) whose annual income is less than 1½ times the annual amount of the minimum wage, are exempted.

- **The eviction was retaliatory:** You cannot evict a tenant for reporting you to a housing authority for housing codes or fair housing laws violations.

4 GENERAL PROCESS

The first step in most eviction processes is that landlords must send the tenants notice that they intend to remove them.

These notices usually order the tenant to do one of the following :

- **Pay the Rent or Quit :** The tenant must pay rent within a set time or vacate the rental unit.
- **Cure or Quit :** The tenant must correct a violation of the lease or rental agreement within a certain time.
- **Buy or Quit :** At the end of the lease, the tenant is given the priority to buy the property over any other buyer the landlord may have found.

If all the notice requirements have been met and your tenants still have not corrected the problem, you must then file a complaint with the local court ("*Tribunal d'instance*") and pay a small filing fee (35 €). The tenant must be served with the court documents (this costs about 80 €).

Jurisdictions do not require the tenant to respond in writing and landlords may get the eviction order quite quickly (within 4 to 6 months in certain cases).



Once landlords have filed the required paperwork, the court's clerk will usually set a hearing date. A judge will then use the hearing to determine whether the tenant should be evicted and hear any defences the tenant may have.

If the court decides that the tenant should be evicted, it will typically issue a writ immediately after the ruling in order to give the tenants the chance to move on their own. The court may also order the tenants to pay back rent.

IMPORTANT ! Landlords may refer to Title 6 "In case of litigation" under the document 'GUIDE TO RENTING" (Download) for more detailed analysis of the steps to follow.

