

Eviction Process



Phase 1: Possession

The first court date is the possession hearing. The judge will decide if the tenant can stay in the property or if they will be evicted (which means they need to move out). Any other issues, including how much rent the tenant owes, will be decided later.

A landlord needs to prove 3 things for the judge to evict the tenant:

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1. They gave the tenant a written **Notice to Quit** before starting the eviction case.
2. They had all the **court paperwork delivered**, which is called serving the tenant.
3. They have a **valid legal reason** to evict the tenant (for example: non-payment of rent, lease violation, lease ended).

★ If the landlord proves these 3 things, and there are no defenses, the judge must issue an eviction judgment.

more
information
on defenses:



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Possible defenses that may stop an eviction:

- The tenant did not do what the landlord says they did (for example: the tenant did pay the rent). If the judge agrees, the case will be taken off the public court record.
- The landlord did not follow the proper steps for the Notice to Quit and serving the tenant. This may only pause the process. A landlord may fix these issues.



Things that may NOT stop an eviction:

- Problems with the unit (usually)
- Landlord broke the lease or law
- It's winter
- Kids living in the unit
- Having a reason not to pay rent (examples: lost job, health issues)



Another option: making an agreement

There are 2 common types of agreements:

- Tenant pays the money they owe and stays in the unit
- Tenant agrees to move out by a certain date



Tenant follows agreement

The tenant will not be evicted, and the case will be taken off the public court record.

Tenant does NOT follow agreement

Landlord tells judge that tenant did not follow agreement and the judge evicts the tenant.

Outcomes if judge issues an eviction judgment:

- The tenant must move out or law enforcement will physically remove them.
- The eviction will be on the tenant's court record and may make it harder for the tenant to rent in the future.
- The tenant may lose Alaska Housing benefits.



more information & resources:

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