

Evictions

When a tenant fails to pay rent, or otherwise defaults under the lease agreement, the landlord must bring a Landlord-Tenant action in court to evict the tenant, in accordance with NHRS 540.

In this process, the landlord notifies the tenant of tenant's default, and demands the tenant pay rent. At the same time, or later, the landlord notifies the tenant of the eviction. The landlord must give the tenant at least seven days of notice when the tenant has failed to pay rent, or thirty days for other reasons. If the tenant is still in possession of the property, the landlord can bring an action for eviction.

The tenant is then served with the writ. If the tenant does not respond, the tenant is in default, and the court issues a writ of possession. If the tenant does respond, the court sets a hearing. If the landlord prevails at the hearing, the court issues a writ of possession.

Once the landlord receives the writ of possession, the landlord delivers the writ to the sheriff, who then executes the writ and removes the tenant from the property. At this point, the landlord changes the locks.

The landlord can only recover \$1,500 in missed rent. To recover more, the landlord must bring a separate action.

Throughout the eviction process, the landlord must be careful to comply with NHRS 540. If the landlord fails to comply with NHRS 540, it is possible the landlord could be liable to the tenant, for up to \$1,000 per day, under NHRS 540-A and 358-A.

The attorneys with Bielagus Law Office PLLC have years of experience in eviction litigation.

Please do not hesitate to contact us with any questions. We can be reached at:

Bielagus Law Offices PLLC
26 Concord Street
PO Box 3091
Peterborough, NH 03458
(603) 554-1612
www.bielaguslaw.com

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