

Sample Script for an Eviction Hearing

For CARES Act Compliance

The landlord has to prove they have the right to file the case now and are not covered by the CARES Act. The person testifying must have personal knowledge. These are questions you can ask the landlord in court:

- Who is the mortgage servicer and mortgage lender?
 - How do you know this?
- Did you verify the mortgage information yourself?
- When did you verify this information?
- Do any of your tenants or any of the rental units participate in (i) a covered housing program like: Section 8 Housing Choice Voucher, Section 202 housing for the elderly, Section 811 housing for people with disabilities, HOME Program, or Housing Opportunities for Persons with AIDS (HOPWA) or any other program subject to VAWA?

If the landlord cannot answer these questions, then ask the judge to dismiss the case, because the landlord has not proven that the mortgage is not a federally backed mortgage or does not participate in a VAWA program.

For every eviction

There may be problems with the notice to vacate if it was not placed on the inside of your door, handed directly to you, or mailed to you by the landlord. The person testifying for the landlord must have personal knowledge. These are questions you can ask:

- How was the notice to vacate given?
 - How do you know?
- When was the notice to vacate given?
 - How do you know?

If there is a dispute over the amount of rent owed, ask how the request for back rent was reached. The landlord may not request late fees, utilities, or other fees (other than court costs and attorney fees).