

# Abandonment

## Can the landlord say I abandoned my rental unit even if I still intend to live there?

Maybe. If you did not tell the landlord you would be away, the landlord can assume you abandoned the rental unit in two cases.

- Case Number 1: The landlord can assume you abandoned the rental unit if you have property in the rental unit, and:
  - The rent is more than 15 days late, **AND**
  - There is no other reasonable evidence that you are still living there.
- Case Number 2: The landlord can assume you abandoned the rental unit if all of your property has been removed from the rental unit, and:
  - The rent is at least one day late, **AND**
  - There is no other reasonable evidence that you are still living there.

## Even if the landlord claims I abandoned the rental unit, do they need a court order to evict me?

No. If the conditions in either of the two cases above are met, the landlord can change the locks and take possession of the unit without getting a court order.

## What if I told the landlord that I would be away? Can the landlord still say I abandoned the rental unit?

Landlords who say you abandoned your unit and change the locks on the unit almost always say they did not know the tenant would be gone. If you must leave for a period of time, give the landlord written notice before leaving. Keep a copy of that written notice.

You must still pay the rent when it is due. If the rent is late and you have given the landlord notice you will be gone, the landlord can still start the eviction process against you. This means you could be evicted while you are away if you do not pay the rent on time.

## **My locks have been changed. What can I do?**

Talk to the landlord to see what is going on. If the landlord thinks you abandoned the unit because you did not pay your rent, see if the landlord will accept the rent to let you back in. If you think the lockout was illegal, you can call the local police department or county sheriff. For more information see [Locked Out](#).

If you get back into the rental unit without causing damage and breaching the peace, you may be able to restore your tenancy. But this depends on all the facts. If you are able to get back inside your rental unit, you should immediately call the police to let them know you are not a trespasser. If you have not paid the rent, the landlord will likely begin the eviction process.

## **How do I get my personal property back after the landlord claims I abandoned my unit?**

Getting back any personal property you left behind may be difficult. You do have rights, but you must act quickly, usually within 15 days after being locked out. For more information on this process, see [Getting Personal Property Back](#).

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