

# Action guide against evictions

There are many ways to get  
kicked out of your home,  
organise against them all.



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# Introduction:

## Why do we need this guide?

They say that the crisis is the moment when we all must tighten our belts. They lie. The crisis is the moment when when capitalists increase their benefits looking for new ways of tightening our belts. Landlords of all kinds (big and small, public institutions and banking entities) want housing to be a profitable business, and they increase prices in that purpose. Those who back in the day could pay a mortgage barely can pay the rent nowadays, and those who could afford a rent are accumulating debts.

The direct consequence of the price rise is the increase in evictions. However, it is not only the consequence; the increase in evictions also makes the price rise possible: we are kicked out so that house is for higher incomes, we are kicked out so they can increase the rent, we are kicked out, so they don't have to assume losses...

We are being evicted more often and more easily. Judges, politicians and police are protecting landlords by giving them greater impunity and allowing them to carry out evictions in different ways: without a warrant, with temporary contracts, through threats... Therefore, it is important to organise ourselves against all the ways of being kicked out of our homes; to stop landlord's impunity and to defend universal, free and quality housing.

## What for do we need this guide?

Instead of long explanations about laws or rules (leave that for the Housing Union), in this guide you will find basic advice to act in different situations. These are mainly preventative advice with two objectives: avoid that the situation gets any worse, on the one hand, and acting appropriately so the Union can help you more effectively when you get in touch with them later, on the other.

Please note that many problems get worse because people affected don't have enough information. They think that what they're suffering is legal, they're afraid of getting in touch with the union because they're in vulnerable situations or they simply let time run out thinking there's nothing to do at all. Never give up! Different eviction-risk situations appear on this guide, so in case you find yourself in any of those situations, read the advice, apply them and get in touch with the Socialist Housing Union as soon as possible.



**1. I can no longer  
afford  
to pay...**

# 1. I can no longer afford to pay...

## 1.1. My mortgage or rent

More and more people find that they can't afford their mortgage or rent. There are different reasons that lead to this situation like the rise of the Euribor rates, the increase in rent prices or different circumstances that make it impossible to continue paying.

In such situations, here's some **advice**:

1. **Don't leave home:** if you can't afford to pay your mortgage or rent don't give up. In non-payment cases a procedure must be followed in which you can curb the situation and plead in your defence.
2. **Show your willingness to pay:** in some cases, showing that you are willing to pay can favour you in the process because allows you to gain time and renegotiate the payments
3. **Keep all the documents well:** keep your contracts, the communications with the landlord, judicial notices, etc. All these documents could be of vital importance.

Apart of following this advice, **what can I do?**

1. **Renegotiate your payments:** try to renegotiate the payment mode of your overdue fees or monthly payments, so you can postpone and break up your outstanding payments in this way.

2. **Get in touch with the Union:** we will provide you guidance and help to face the non-payments of your mortgage or rent.
3. **Get organised and fight back:** you're not alone and you shouldn't be. Get organised with the Union to defend yourself against abuses and help people in your same situation.

## 1.2. Supply costs (electricity, gas, water...)

In the last years we have seen how, while big companies have been getting richer, our electricity, gas, water, etc. bills have been rising all the time. As a result, we accumulate non-payments on these bills and face a possible supply cut-off.

In such situations, we give you some **advice**:

1. keep all the bills well: save all the bills you receive because you will need them.
2. consult your rates: there are alternatives like regulated rates and rates for vulnerable consumers that could be helpful against the abuses from those who speculate with the prices of basic supplies.

Apart of following this advice, **what can I do?**

1. **Renegotiate your payments:** try to renegotiate the payment mode of your expenses so you can postpone and break up your outstanding payments in this way.
2. **Get in touch with the Union:** we will provide you guidance and help to face the non-payments of your supply costs:



from negotiating with the providers to helping you with the application to get economic aid.

3. **Get organised and fight back:** you're not alone and you shouldn't be. Get organised with the Union to defend yourself against abuses and help people in your same situation.



**2. I still pay,  
but...**

## 2. I still pay, but...

### 2.1. My contract has expired, and they want me to leave

Q Even if your contract has expired, that doesn't mean that everything is lost. There are plenty of cases when they must extend it: because you haven't been well informed of the termination of the contract, because you have continued paying, because they must extend it compulsorily, etc.

In such situations, follow this **advice**:

1. **Consult your contract**: check properly what kind of contract and when did you sign it, because depending on that you will have different options to extend it.
2. **Keep the letters, communications and notifications that the landlord sends to you**: it is important that they communicate the termination of our contract in advance and following certain formalities. Keep safe all the communications you have had with your landlord because they could be helpful.

Apart of following this advice, **what can I do?**

1. **Find out about the legality of your contract**: some temporary contracts do not comply with the minimum required duration or include irregular clauses. Find out more about your contract so that you can defend yourself.
2. **Get in touch with the Union**: we will provide you guidance and help to face the eviction for termination of contract.

3. **Get organised and fight back:** you're not alone and you shouldn't be. Get organised with the Union to defend yourself against abuses and help people in your same situation.

## 2.2. They want to kick me out because the landlord says that they need the dwelling or the dwelling's owner has changed

It is usual that landlords try to kick us out of our homes pleading that they need it for a relative or for themselves. In some cases, they even tell us that they have sold it and that we need to go. In this last case, the sale of the dwelling, the answer is clear: they can't kick us out because they have sold it to another person without waiting for the termination of the contract.

Apart from that, given the case that they tell us that they need the dwelling for themselves or a relative, that claimed need could not be justified nor comply with the legal requirements. For such cases, we give you the following **advice**:

1. **Check the length of your rental contract and read the clauses carefully:** at least one year must have passed since you signed your contract and entered the property, and there must be a specific clause in your contract stating that before 5 years have passed the landlord can occupy your property for this reason.
2. If the landlord has notified you in writing, **keep the letter and note the date when you received it.** It is important that the document complies with some formalities and that the notification has been noticed well in advance (2 months).

3. **Check if the need of occupying the dwelling is well justified.**  
Not everything is acceptable. The landlord must prove that he needs the dwelling on a permanent basis for themselves, their direct relatives (parents, children) or for their former spouse. In this last case, there must be a court judgement that supports it.

Apart of following this advice, **what can I do?**

1. **You can ask for an extraordinary extension of your contract:**  
In many cases you can ask extraordinary annual extensions of your rental contract if you are in a vulnerable situation and you prove it with a report from social services. Depending on the case:
  - a) If your dwelling's owner is a large property owner, your extraordinary extension application must be compulsorily accepted for a year.
  - b) If your dwelling is in a stressed area, your application, your application must also be accepted on a compulsorily (with some exceptions) and your contract may be extended annually up to a maximum of three years.
2. **Get in touch with the Union:** we will provide you guidance and help to clarify your situation and avoid falling into the landlord's traps.
3. **Get organised and fight back:** you're not alone and you shouldn't be. Get organised with the Union to defend yourself against abuses and help people in your same situation.

## 2.3. They want to raise my rent and I can't afford it

Raising our rent is nothing but another way of kicking us out of our homes: prices that we can't afford are imposed on us and we are forced to leave the dwelling. In many cases these rises happen abruptly, without respecting the legal minimums and even breaching the rental contract's clauses.

In such situations, we give you the following **advice**:

1. **Do not give in.** Many rises have no legal basis, are made 'informally', without just cause or without an agreement between the parties.
2. **Don't sign.** If you are pressured to sign a rent raise at the end of your rental contract, be cautious and seek advice first.

Apart of following this advice, **what can I do?**

1. **Calculate and negotiate.** In most contracts it is the agreement between the two parties that rules, so negotiating the rent is crucial to avoid rises. If you do not reach an agreement, the increase can't be higher than the stipulated by law.
2. **Get in touch with the Union:** we will provide you guidance and help to clarify your situation and avoid falling into the landlord's traps.
3. **Get organised and fight back:** you're not alone and you shouldn't be. Get organised with the Union to defend yourself against abuses and help people in your same situation.

## 2.4. They want to kick me out to do construction work in my dwelling

Be careful with the construction work excuse: in many cases our landlord obliges us to deal with construction work that practically forces us to leave home. Many of these works are perfectly avoidable and should not be done during the duration of our contract, so be careful.

In such situations, we give you the following **advice**:

1. **You must be given written notice:** in this case there must be written notice and a minimum of advance notice before the work is to be done. This letter should explain the type of work to be done, the need for it and its approximate duration.
2. **Beware of price increases due to construction works:** sometimes construction works are used as an excuse to raise the rent once the work has been completed. However, in many cases this cannot be done, for example, if the work is for conservation or if there is no hurry to carry it out before the end of your contract.

Apart of following this advice, **what can I do?**

1. **Negotiate with the owner:** you can try to postpone the work in cases where there is no clear urgency; moreover, you have the right to stay in your home if the work does not prevent you from using the essential parts of the dwelling.
2. **Demand financial compensation:** depending on the type of work and its duration, you will be entitled to receive compensation and/or a discount on the rent for the duration of the work on your home.
3. **Get in touch with the Union** to receive guidance and get organised to defend yourself against abuses.

**3. I have a  
temporary  
rental, or I live in  
a sublet**





## 3. I have a temporary rental, or I live in a sublet

### 3.1. My contract is for less than a year

Temporary rentals are increasing as a manner of taking away tenant's rights. They make us sign them, even if we live there all year round, to make it easier for them to kick us out, save on costs, etc. Many of these contracts are potential frauds.

In such situations, we give you the following **advice**:

1. **Keep your contracts:** it is important to keep all the contracts you have signed to prove that you live there continuously. If you have electricity, water, gas or Wi-Fi bills in your name, keep them too.
2. **Save your conversations with your landlord:** This will be important to prove that your relationship with your landlord is ongoing.

Apart of following this advice, **what can I do?**

1. **Negotiation:** We must try to negotiate with the landlord to get them to change our temporary contract for one of habitual residence. In this way we will be more protected.

2. **Get organised with the Union:** Landlords enjoy impunity and even more so if they know that we are alone. You're not alone and you shouldn't be. Get organised with the Union to defend yourself against abuses and help people in your same situation.

## 3.2. I live in a sublet

A sublet is when we have a main tenant and they rent out part of the property to us. Often the contracts we have are verbal and we suffer the harassment of living with the landlords. In addition to this, landlords usually try to evict you from your home without any legal proceedings.

In such situations, we give you the following **advice**:

1. **Defend your privacy:** the main tenant and the landlord must respect your private space; thus, you have the right to fit a latch or lock to avoid them entering your room.
2. **Gather information (recorded or in written conversations):** it is important to do this to prove that we live there and avoid an illegal eviction. We will always have a photocopy of our documents inside the bedroom.
3. **Don't leave home:** no court order, no eviction.

Apart of following this advice, **what can I do?**

1. **Regularisation:** We are going to fight to change that verbal contract for a written one without increasing the rent, expenses, etc... In this way, we will be more protected against an illegal eviction.

2. **Get organised:** If the main tenant or the landlord takes your things out of the house, contact the Housing Union as soon as possible. Quick action can prevent us from being evicted from our homes. So, if you think you might be in danger of an illegal eviction, don't wait and get in touch with the Union.

**4. They are  
pressuring me to  
leave**



## 4. They are pressuring me to leave


It is very common that they want to kick us out of our homes through pressure, threats and mafia-like attitudes of all kinds: cutting off electricity, gas or water, threats of removing our registration of residency, lock changes, prohibitions to use part of the house... all these examples are the daily bread and butter of many people. They try to evict us 'by force' and they have no scruples in using coercion and fear to do so.

In such situations, we give you the following **advice**:

1. **Don't give in to pressure:** they want to scare you into leaving to force you to leave, but they can't do it. They are doing it to speed up the process of evicting you and to take away any chance of defending yourself in court proceedings of eviction.
2. **Record everything, gather evidence:** no blackmail of any kind, coercion or threats should be left unpunished. Take photos, record conversations and document everything. This material could help us in the future.

Apart of following this advice, **what can I do?**

1. **Get in touch with the Union:** for advice, to know how to defend yourself against this kind of coercion and stop the pressure
2. **Against coercion, organisation:** you're not alone and you shouldn't be. Get organised with the Union to defend yourself against abuses and help people in your same situation.



**5. I suffer from  
gender-based  
violence**

## 5. I suffer from gender-based violence

Working class women often suffer violence from our partners, relatives and even landlords. These situations become even harder when we don't have the means to get away from the people that are assaulting us, being forced to either live with our aggressors or to leave the house.

In such situations, we give you the following **advice**:

1. **Gather evidence:** It will be very important that we can prove that this situation is happening. In case of psychologic violence, we will save all the messages, record threatening conversations, look for witnesses, etc. In cases of physic violence, it will be important to have a medical report that proves this situation.
2. **File a complaint:** each situation is different, but filing a complaint in these cases can be useful in applying for alternative housing.

Apart of following this advice, **what can I do?**

1. **Get in touch with the Union:** it is important to be well accompanied to confront violence. We will fight together to ensure that getting out of an abusive situation does not mean becoming homeless.



**6. I have  
squatted an  
empty dwelling,  
in what situation  
am I?**



## 6. I have squatted an empty dwelling, in what situation am I?

The cost of living is increasing, and many people do not have enough money to rent. For this reason, many people squat empty dwellings. Landlords, courts and police take advantage of these situations to act with total impunity, violating the rights of the people who live there. For this reason, illegal evictions, coercion, etc. are very common in these cases.

In such situations, we give you this **advice**:

1. **Keep all the documents:** we will need to be aware of all the documents that arrive from court. Gathering them all and getting in touch with the Union will be very important.
2. **You have no obligation to open the door to the police:** if you open it and they ask you for your ID, you will have to show it to them, but make it clear that they have no permit to enter your home. We are not obliged to answer their questions, so we will not tell them whether we live there or not.
3. **No court order, no eviction:** even if you're squatting, without a court order there's no eviction.

Apart of following this advice, **what can I do?**

1. **Regularise your situation:** once you're inside home we can get in touch with the owner to negotiate.

2. **Get in touch with the Union:** If you're squatting let the Union know your situation to get our guidance and even act against an illegal eviction if such a case arises.
3. **Ask for a lawyer:** we will need a lawyer, but there are free lawyers. Get in touch with the Union to get advice and help to know how to carry out this process.

**7. They want to  
kick me out for  
not complying  
their rules**



# 7. They want to kick me out for not complying their rules

Many of us live in municipal shelters, welfare flats, Church associations or Alokabide's dwellings. Most of these institutions kick out people for not complying their rules, making excuses such as that we don't have respected the schedule or that we have taken poor care of the houses.

In such situations, we give you this **advice**:

## **Shelters and welfare flats (there's no rental contract):**


1. **Record conversations:** We will record the conversation when we are told that we have broken the rules and that they are going to kick us out and not let us in, so they can't change the version.

## **Church associations or Alokabide (there's a rental contract):**

1. **Record conversations:** As in the previous case, in cases where they do not want to give us a written explanation, we will record the conversations.
2. **No court order, no eviction:** Without an eviction order issued by a judge, you cannot be evicted from your home. It doesn't matter if the police come, the landlords come or if they send us letters saying that we have to leave the house on a certain day, we will not leave the house until there is an order.

Apart of following this advice, **what can I do?**

1. If the institution managing the dwelling has their own social services, **we will request a meeting to negotiate the revocation of the expulsion.**
2. As soon as we receive the first threat or being in risk of eviction, we will **get in touch with the Union** to cope with the situation and fight to stay in our home.



**8. An  
anti-squatter  
eviction  
company is  
trying to kick me  
out**

## 8. An anti-squatter eviction company is trying to kick me out

Landlords appealing to thug companies to kick out tenants is becoming more common. It is not necessary to be squatting for one of these companies wanting to kick you out: they're thugs, so they don't care if you're paying, you owe a month's rent or you have lost your income. These companies usually visit your home and try to convince you to leave it: they oblige you to sign papers, offer you money, threaten you, try to force the door, they don't allow you to enter your own home...

In such situations, we give you this **advice**:

1. **Gather information**: if they get in touch with you, gather as much information as possible (company's name, who you are talking with, how many time do they give you, etc.)
2. If they visit your home, **NEVER open the door**: they may try to get inside and once inside they may try to kick you out. If you talk to them, do it through the door.
3. If you receive a phone call, **record the call** as you may receive threats, coercion or even blackmail.
4. **Neither the company nor the landlord can stop you from entering the dwelling**, so you have the right to enter through the doorway and enter your home.

Apart of following this advice, **what can I do?**

1. In case they carry out any action to scare us (graffiti on the door, notes on the doormat, following us...) **we will take a photo before touching or doing anything.**
2. **Get in touch with the Union:** our best guarantee against being evicted in this situation is to have the Union's back-up. These companies are only effective when the tenants are alone and unprotected, because in those cases they can act with impunity.



# Contacts



# Contacts

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