

## **Form DC 100b**

# **DEMAND FOR POSSESSION DAMAGE/HEALTH HAZARD TO PROPERTY**

**Use this form to give notice to a tenant when you want to start eviction proceedings against a tenant who has caused:**

- extensive and continuing damage to the rental property, or**
- a serious and continuing health hazard to the rental property.**

## NOTICE CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

### DID YOU . . .

1. Make sure that 90 days has not passed since you discovered the health hazard or damage to the property? YES
2. Complete the notice form? YES
3. Sign the notice form? YES
4. Deliver the "Tenant's copy" of the notice to the tenant? YES
5. Keep the "Court copy" of the notice for yourself? YES

If you cannot answer "yes" to all the above steps, you may have problems in your court case if you file a complaint with the court to evict a tenant.

**If you have questions about any step in the process, refer to page 3 of this booklet for details.**

**INSTRUCTIONS FOR USING FORM DC 100b  
COMPLETING AND DELIVERING A DEMAND FOR POSSESSION**

**»» DEFINITION**

**Demand for Possession, Damage/Health Hazard to Property**

A "notice to quit" is a notice given to a tenant to do some required act or to surrender and vacate the rental property by a certain date. This particular "notice to quit" is a demand for possession that is used when the tenant has caused extensive and continuing damage or a serious and continuing health hazard to the rental property and the landlord wants the tenant to either remove the health hazard, repair the damage, or move out. This notice must be given within 90 days of discovering the damage or health hazard.

**»» PREPARING THE NOTICE**

Complete the form using the instructions on page 4.

**»» GETTING NOTICE TO THE TENANT**

**1. Serving (Delivering) the Notice**

You must "serve" the "Tenant's copy" of the demand for possession on the tenant. This can be done in one of four ways.

- delivering it personally to the tenant,
- delivering it on the premises to a member of the tenant's family or household, employee of the tenant, who is capable of understanding your instruction to deliver it to the tenant, with a request that it be delivered to the tenant,
- sending it first-class mail addressed to the tenant at his or her last known address, or
- e-mailing it, if the tenant has consented in writing to electronic service.

Some examples of improper service are slipping the demand under the tenant's door, leaving the demand outside the tenant's door, attaching the demand to the property, or mailing the demand by methods that require a signature.

**2. Complete the Certificate of Service**

Complete the Certificate of Service on the "Court copy" of the demand for possession using the instructions on page 4. This copy is for your records. Keep it in a safe place because you may need it later if you have to file a complaint for eviction with the court.

## **INSTRUCTIONS FOR COMPLETING "DEMAND FOR POSSESSION, DAMAGE/HEALTH HAZARD TO PROPERTY"**

**Please print neatly. After filling in the form, you will need to print both copies of the form.**

Items A through E must be completed before delivering your notice to the tenant. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- A** Write in the name of the tenant and the address where you will be delivering the notice. This address may be where the tenant lives or does business and it may be different than the address of the rental property.
- B** Write your name in the line that says "Name (type or print)."
- C** Check the box that best describes the reason for giving the tenant a demand for possession, and then write in the box the complete address or a complete description of the rental property if different than the mailing address in **A** above. If this address is the same as the mailing address, write in the box "Same as mailing address."
- D** Explain in detail the serious and continuing health hazard or the extensive and ongoing damage to the rental property in the lines provided.
- E** Write in the date, sign your name, and write in your address and telephone number.

Deliver the Tenant's copy to the tenant.

Read page 3 of this packet for details on delivering this notice to the tenant.

- F** On the date you deliver the notice, write in the date. Write in the name of the person to whom you delivered the notice. Check the box in front of the statement that best describes how you delivered the notice. Sign your name.

**You should read this booklet for directions on the legal process.**