

3. Tell the landlord **it is against the law to lock you out.**



If the landlord still refuses to let you back into your home, follow these steps

1. Call the police and ask them to help you get back into your home.
2. Tell the police officer you want to file a criminal complaint. Be sure to get the officer's badge number.

This information may be helpful if you have to get a court order to let you back in the home.

If you still cannot get back into your home, call a lawyer, your local legal services office or the city attorney **promptly** so that you can take legal action against your landlord. **You can go to court immediately and get an immediate order to let you back into your home.** You should bring proof to the court hearing that you live there like a neighbor, a lease, or something with your address on it, like a driver's license or bill.

After getting back into your home you may want to file a lawsuit against your landlord to pay for money you spent as a result of being locked out. You can sue your landlord for an amount up to 3 times your actual out-of-pocket costs (like money you paid to stay somewhere else) or \$500, **whichever is greater.** You can file the lawsuit in Conciliation Court if the amount you are suing for is \$7,500 or less. There is a filing fee to start the court case but the court can waive (excuse) the fee if you cannot afford it. Ask the court clerk for the papers to waive the fee.

This protection against unlawful lockouts also applies to tenants when there has been a mortgage foreclosure or contract-for-deed cancellation.



**THE ONLY LEGAL WAY TO EVICT —
EVICTION COURT CASES**

If a landlord wants to force you to move, they must file an eviction court case (formerly called an “unlawful detainer”) against you.

Eviction court cases can be filed against you for many reasons, like

- not paying rent
- not moving after getting proper notice
- breaking the rules of the lease
- destroying the rental property on purpose
- causing a "public nuisance"— like selling or having drugs on the property.

If the landlord wins in court, the judge will issue a "Writ of Recovery" to the landlord. The Writ is a court order forcing you to move out within 24 hours. In some cases the judge will "stay" (delay) the writ for up to **7 days** to give you time to find a new place to live. This means that the judge will give you 7 extra days to move before the Writ is effective. Once the Writ is effective, you have only 24 hours to move.

THE EVICTION HEARING

- You know that the landlord has started an eviction court case against you when you get the Summons and Complaint (these are legal papers that tell you to appear in Housing Court). **Do not ignore or throw away these papers. Pay attention to the way you get these papers.** The papers must be "served" in the right way. Contact a lawyer or your local legal services office immediately.
- The court hearing usually will be scheduled **7 to 14 days** after you get the Summons and Complaint.
- The Summons and Complaint will tell you why the landlord wants you out. It will also have the date, time, and place for the court hearing. If you live in Hennepin or Ramsey County, the landlord can also ask the judge for unpaid rent or other money they think you owe them at the time of the eviction hearing.



The Summons and Complaint might say that the landlord is evicting you for not paying rent. If you agree that you owe rent and you have the money to pay it then you should be sure to go to the hearing.

At the hearing you can pay the amount of rent you owe **plus** the court filing fees and any service fees. If you do this you can "redeem" your tenancy and the judge will decide that you can stay. If you cannot pay all of this money but can pay some then it is possible that your landlord will settle the case with you and allow you to stay if you follow a payment plan.

- It is important that you go to the hearing. **If you do not go, you could lose the case automatically. You would have to move immediately. You might also have to pay money.**
- You can go to the hearing by yourself or with a lawyer or housing advocate. If you represent yourself at the hearing, get some advice from a lawyer or housing advocate **before** the hearing.

- Unless you reach a settlement with the landlord, the landlord must prove the reasons why you should be evicted at the hearing.
- When the landlord finishes, tell the judge why you do not think you should have to move. Be sure to tell the judge about any defenses you think you have such as retaliation, discrimination, and repair problems. It is a good idea to have a written "Answer" ready before the court hearing. The purpose of the "Answer" is to respond to the landlord's list of complaints against you. **Also, bring all evidence you have to support your case**, like pictures, receipts, letters, witnesses, inspection reports, orders to repair, etc. **Ask questions if you do not understand what is happening.**

The judge or referee might send the case to trial if there are “factual disagreements” about the case (for example, if you and the landlord disagree about if the rent was paid). The trial will usually be within a few days of the first court date. At the trial you should present all of your evidence, including photographs or receipts. You should be prepared to tell your side of the story in detail and to bring any witnesses that support your case. You do not need a lawyer for the trial, but it is a good idea to contact a lawyer or your local legal services immediately if you have a trial scheduled.



- After listening to both you and your landlord, the judge or referee will decide whether you have to move out. If you win, you get to stay in your apartment. If the landlord wins, the judge will sign a Writ of Recovery ordering you to move out.
- If the landlord wins, tell the judge it will be hard for you to move immediately and that you need some extra time. The judge can give you up to **7 extra days** to move. **You must ask for the extra time in order to get it.**
- **If you lose, you have 10 days to appeal the decision.** If you want to appeal, **contact a lawyer immediately.** If a referee heard the case in Hennepin County or Ramsey County, you have 10 days to ask for a judge to review your case.
- If you do not appeal and if you do not move out by the date the judge tells you to move, the Writ of Recovery will be "executed" (delivered) by a law enforcement officer. You will then have **24 hours** to move.