

Know your rights: Eviction



As a renter, you have rights that protect you against any sudden removal from your home.

Eviction is a legal process – and not all evictions are legal.

Landlords must take several steps before they can legally evict a tenant.

A landlord must *never* forcibly remove their tenant.

Changing locks, turning off utilities, or other acts that prevent you from entering or using your rental property are illegal.

Only a court officer (bailiff) may remove a tenant and their personal belongings from a rental property. This is only possible if the landlord has a court order.

Landlords must follow the same legal eviction process whether your lease is written or oral (a spoken agreement).

However, written leases are more easily enforceable in court and can offer additional protections. Consider asking your landlord for a written lease if you do not have one.

It's easier to assert your rights in court if you record your experience.

Take pictures of maintenance issues, save paperwork and text messages (agreements, receipts from self-repairs), and keep notes about issues you report to your landlord (with dates/times), especially if you think your eviction may be unlawful.

There are free legal resources to help you prevent eviction.

The State of Michigan does not guarantee a tenant's right to a lawyer when they are being evicted, but having a lawyer will increase your chances of challenging the eviction.

In Detroit, over 30,000 evictions are filed in the 36th District Court each year.

You might qualify for legal assistance through a local legal aid office.

Contact or visit:

Lakeshore Legal Aid (888) 783-8190

United Community Housing Coalition (UCHC) (313) 963-3310

www.michiganlegalhelp.org/guide-to-legal-help

detroitrentercity.com



Does your eviction feel informal? It might be *illegal*.

To legally evict you from your rental property, your landlord must follow a formal legal process. If your landlord skips one or more of the steps below, the eviction may be illegal.

****Note: All situations are different. This flyer offers general information, not legal advice.****
Visit michiganlegalhelp.org/guide-to-legal-help or speak to a lawyer about your specific situation.

STEP 1) Cause for Eviction

- Landlords must have a legal reason to evict you. The most common reason is nonpayment of rent, overstaying a lease, or the tenant violating a term in the lease that states will lead to eviction.
- A landlord may NOT evict you as penalty for exercising your legal rights, which include:
 - Filing a complaint with the government about the safety or condition of your property; your landlord failing to make accommodations for people with disabilities; or harassment.
 - Legally withholding rent (usually through escrow) if your landlord neglects important repairs, or the property is out of compliance with state and local rental registry laws and/or standards.
 - Participating in a tenants union.

STEP 2) Notice of Eviction

- Landlords must provide formal notice to the tenant in writing before they can file an eviction case in court. Verbal notices are not legal.
 - They should use specific legal documents – usually, a *Notice to Quit*, or *Demand For Possession*.
- This notice must be delivered in person to the tenant, to an adult member of the tenant’s household, by first-class mail, or email (only if the tenant has agreed receive an email).
 - Improper notice includes slipping the demand under your door or attaching it to your door.
- The landlord must usually provide notice 7 to 30 days before filing to evict, depending on the cause.
 - 7-days are required for unpaid rent. 30-days are required if the lease is oral or month-to-month.

STEP 3) Legal Action for Eviction (aka filing of an eviction lawsuit)

- After the time specified in the eviction notice passes, the landlord may file an eviction lawsuit.
 - The landlord-tenant division of the 36th district court handles eviction cases in Detroit.
- The landlord must file a specific court document known as a *Complaint*.
- When the court receives the complaint, it will issue a *Summons*. This should include:
 - The date/time of the court hearing and/or when you need to respond to the court in writing.
- The landlord must deliver (aka “serve”) these documents to you by mail AND at least one other way, at least 3 days before your court hearing.

STEP 4) Eviction Court Hearing

- If an agreement cannot be reached before the court date, you and your landlord can go to trial.
- Even if your landlord has legal cause to evict you, you might have a valid legal defense or counterclaim to the eviction.
- If you do not respond to the court summons and/or do not appear at the 36th district court on the date of your hearing, the court will likely enter a *default judgment* against you.
 - This lets your landlord evict you and collect any unpaid rent (or other relief they asked for).
- You have 10-days after the court judgment to file an appeal or motion to “set aside” the default.

STEP 5) Court Order of Eviction

- Landlords must wait 10 days after an eviction judgment to request a court Order of Eviction.
 - If this happens, the 36th district court will send you a copy of the Order.
- *Only a court officer has the authority to execute the Order and remove your possessions from the property.* The landlord may never act on their own to remove you or your personal items!
- In Detroit, landlords are not permitted to leave tenants’ personal belongings on the curb. Local law requires landlords to provide a clean “eviction dumpster” to store the tenant’s possessions.

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