

This brochure is intended to help tenants understand the eviction process if their tenancy is being terminated. This is a general discussion and refers to Michigan cases only. For individual questions please call an attorney or other qualified person. If you are low income you may qualify for free legal advice and can contact Lakeshore's Counsel and Advocacy Law Line at 1-888-783-8190.

Q. *How do I know if my tenancy is being terminated?*

To start an eviction, a landlord must send the tenant a notice. There are several different ways to be evicted. The type of notice that your landlord sends you will tell you why your landlord thinks he has a right to evict you. If the paper that your landlord has sent you gives you thirty days to move, your tenancy is being terminated. Typically, the notice that your landlord sends will say "**NOTICE TO QUIT/TERMINATION OF TENANCY**" at the top but may be a simple letter stating that you have thirty days in which to move. If you have a different notice please see our other brochure: EVICTIONS/NON PAYMENT OF RENT.

Q. *So I've gotten a Notice to Quit-what happens now?*

The first thing to know is that just because your landlord has given you a Notice to Quit doesn't mean that you have to move right away. **You have the right to a hearing and your landlord must take you to court to evict you. If your landlord changes or threatens to change the locks, contact the police immediately.** You should also call an attorney. A Notice to Quit is simply a thirty day notice that your landlord wants possession of your apartment once the thirty days has expired. If you have a month to month tenancy you may want to move by the expiration of the thirty day period. Please consult an attorney to discuss the specific facts of your case.

Q. *What happens if I haven't moved by the end of the thirty days?*

After waiting the thirty days in the Notice to Quit, the landlord can bring an eviction suit in district court. To begin the lawsuit, the tenant must be served with a summons and complaint.

A summons is issued from the court. It tells you that you are being sued. It will also tell you the day and time to be in court.

The complaint is the landlord's side of the story, it will state that your tenancy has been ended and list any back rent that the landlord says that you owe.

Q. *Well, I have a summons and complaint-now what?*

A tenant who has a summons and complaint needs to seek help from an attorney or other qualified professional right away to help the tenant **answer**.

Q. *An answer-what's that?*

An answer is a piece of paper or verbal statement in court in which the tenant (you) tells his side of the story including his defenses. Defenses are the tenant's legal reasons why the landlord should not be allowed to evict him.

The type of defenses that are available depend on the type of housing you have. If you have a lease, are in public or subsidized housing or own or rent a mobile home, you may have additional defenses.

Tenants who rent month to month - that is have no lease and pay the rent every month- can be evicted for no reason. It may be that the landlord just wants to get his property bank. You don't have to do anything wrong to be evicted. However, there are defenses to termination evictions. An example of a defense is that your landlord is evicting you for asserting a legal right such as calling the building inspector. Another defense is that your landlord did not give you a full month's notice. There are other defenses than those listed here and you should contact an attorney to see if any apply to you.

Q. *The landlord is also asking for money in the eviction suit-what should I do?*

Sometimes a landlord asks for money in an eviction suit under the heading supplemental complaint. You should look at the back rental amount carefully and see if you owe the money. You may also have defenses to a suit to collect rent. An example of a defense is that you have been withholding money to force the landlord to do repairs. Again, there are more defenses than those listed here. Contact an attorney to see if you have any further defenses.

Q. *I've heard that I can't be evicted if I have kids or if I am pregnant is that true?*

No, that's not true. You can be evicted even if you have kids or are pregnant.

Q. *O.K., then what's next?*

You will have a hearing in front of a judge on the date and at the time listed on the summons. **You should go to the hearing** even if you and your landlord have reached an agreement. If you are not at the hearing you can't be sure that your landlord presented the agreement the way you wanted it or that that your landlord presented any agreement at all. **Get the agreement between you and the landlord in writing.**

Q. *What happens after the hearing?*

Well, if the court finds that you have no defenses, you must move within ten days.

Q. *What happens if I don't move by the tenth day?*

If you don't move by the tenth day, a writ of restitution can issue. **This is very serious.** A writ is an order from the court that gives the County Sheriff permission to physically remove the tenant and all of the tenant's possessions and place them onto the street. This can be done immediately and there is no requirement of any warning by the sheriff. The sheriff is not required to give you any additional time.

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EVICCTIONS



FOR

TERMINATION OF TENANCY A BROCHURE FOR TENANTS

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