

This brochure is intended to help tenants understand the eviction process if they are being evicted for non payment of rent. 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 & Advocacy Law Line, at 1-888-783-8190.

*Q. How do I know if I'm being evicted and if its for not paying my rent?*

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 seven days to pay or move, you are being evicted for non payment of rent. Typically, the notice that your landlord sends will say "**Demand for Possession, Non Payment of Rent**" at the top but may be a simple letter stating that you have seven days in which to pay the beck rent.

If you have a different notice please see our other brochure: EVICTIONS/TERMINATION OF TENANCY.

*Q. So I've got a Demand for Possession/Non Payment of Rent-what happens now?*

The first thing to know is that just because your landlord has given you a Demand for Possession doesn't mean that you have to move out 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 as soon as possible. A Demand for Possession is simply a seven day notice telling you that your landlord thinks you owe back rent. If you don't pay by the end of the seven day period your landlord can take you to court.

*Q. How do I know when to go to court and how much the landlord is asking in rent?*

After waiting the seven days in the Demand for Possession, 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 of your hearing. **You should go to the hearing even if you think you owe the money.**

The complaint should be attached to the summons. This lays out the landlord's side of the story. It will state the amount of money that your landlord thinks 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. An example of a defense is that the rent is already paid or the amount claimed is not what the tenant owes. Another possible defense is that the rent was withheld to force the landlord to do repairs. There are other possible defenses to evictions for non payment of rent. You should contact an attorney to find out what defenses, if any, you may have.

*Q. 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 your landlord presented any agreement at all. **Get any agreement between you and the landlord in writing:**

*Q. What happens after the hearing?*

Well, if the court finds that you owe no money, the eviction is over and nothing further happens. If the court finds that you owe some or all of the money that your landlord is claiming, you will have ten days to pay and stay or move. The amount will be written on a judgment. **To stay, you must pay the full amount listed on the judgment.** If you pay just part of it, the landlord may still go forward on the eviction.

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

If you don't pay or 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.

*Remember this a very general overview. For questions on your particular case, call an attorney or other qualified professional.*

DO YOU NEED LEGAL HELP?

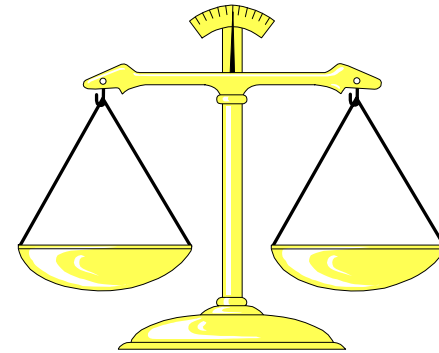
Are you a low income?  
or senior person?

CALL:

LAKESHORE LEGAL AID  
CENTRAL INTAKE

**TOLL FREE: 1-888-783-8190**

# LAKESHORE LEGAL AID



## EVICCTIONS FOR NON PAYMENT OF RENT

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