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TENANT TOOLKITS

Unlawful Detainer

If you have received a notice to appear in court regarding an eviction for an unlawful detainer, the Heartland Center staff has gathered the following information for you. This toolkit will cover tenants' rights in Missouri, tenants' options when in this situation, as well as a guide to lingo and other resources available.

Please note: This information is **not legal advice** and, unless you've been specifically told otherwise by Heartland Center staff, no attorney has reviewed your information or performed an analysis of facts or risks. Heartland Center is providing this legal information for educational purposes.

HEARTLAND CENTER FOR JOBS AND FREEDOM

816.278.1344
www.jobsandfreedom.org
info@jobsandfreedom.org

Overview.

Housing issues are stressful and can be overwhelming.
We hope this tool kit can provide you with some resources and options to take. Here we include a quick overview and checklist of the information in this toolkit. Refer to this as many times as needed, and feel free to reach out to info@jobsandfreedom.org if you have any further questions. We will respond to you as soon as we are able.

- **Know your rights.** *(pg. 3)*
  Review the rights here and on our website.

- **Weigh your options.** *(pg. 4)*
  You may feel backed into a corner, however, you do have options. Review your options and determine which is the best for you.

- **Know the lingo.** *(pg. 5)*
  Sometimes the language used for housing is odd. We've provided some definitions to level the playing field and help as you navigate your issue.

- **Find support.** *(pg. 6)*
  There are options for resources and support. Connect with KC Tenants to engage with tenants fighting for and supporting tenants.

- **Reach out for more information.**
  Housing issues and eviction can be overwhelming. We created this in hopes of answering some basic questions and providing information. If you find yourself in need of more information and support, call our hotline at (816) 278-1344 to get further advice and support.

NEXT: **Your Rights.**

Your Rights.

You have a right to be represented by an attorney. When a tenant has a lawyer they are much more likely to remain housed and eviction-free. You also have a right to remain in your house unless and until the court issues a judgment against you and in your landlord's favor. If you speak a language other than English, you have a right to a court-appointed interpreter.

NEXT: **Your Options.**

Your Options.

If you are facing an eviction and have a court date set, you have one of two options:

SEEK LEGAL ASSISTANCE

If you are represented by a lawyer, you are much more likely to keep the eviction off your record and stay housed. If you are not represented by a lawyer, the system is very difficult to navigate alone and you are at a much higher risk of eviction. The following organizations represent tenants for free (call ASAP):

Heartland Center Hotline: 816-278-1344

Legal-Aid of Western Missouri: 816-474-6750

UMKC Eviction Hotline: 816-235-2379

*If you are outside the KC Metro area, search online for legal aid organizations in your region.

PREPARE A DEFENSE

If you must represent yourself, consider your defenses. If the landlord failed to give you proper notice or if the landlord falsely accused you of violating your lease, you can challenge the landlord's evidence at trial. To learn about proper notices, check out our 10-day notice to vacate toolkit and our one-month notice to vacate toolkit.

NEXT: **NEXT STEPS.**

Next Steps.

For those representing themselves in court:

NEGOTIATE WITH THE LANDLORD'S ATTORNEY

Trials are tricky and you never know what will happen. If you can get a settlement agreement, then you won't have to guess. You can offer to pay money to your landlord and/or move in exchange for a dismissal. Try to avoid any kind of judgment, including a "consent judgment" because that will hurt your record. If your landlord represents him/herself without a lawyer, you can contact them directly. If you can work out an agreement, get in writing. Here is a form you can use. You can negotiate before court by calling the landlord's attorney (the number is on the lawsuit). If you cannot reach them, talk to them in court. Ask the judge if you and the landlords' attorney can step into the hall to talk before proceeding.

TRIAL

If you do not get a settlement with the landlord's attorney (or unrepresented landlord) you will have a trial. The landlord will get to testify first. You can ask the landlord questions and examine any documents they submit to the court. Then it will be your turn to tell your story, provide the court with photos and other evidence. If you have evidence on your phone, try to print it off. Many judges will not treat items on your phone as evidence since they won't have a copy to put into the record.

IF YOU LOSE YOUR CASE

If you go to trial and lose, a judgment will be entered against you. If you pay it within ten days and file an application for trial de novo, law enforcement cannot evict you. If you do not pay and file an application for trial de novo, they can evict you after the ten days are up. The judgment will hurt your record. An application for trial de novo can be found here. If you want to discuss ways to get it off your record, see our toolkit on judgments.

NEXT: **The Lingo**

The Lingo.

Tenant, a.k.a. renter – a person who rents a space from another individual or company. Sometimes there is a written lease and sometimes there is a spoken agreement.

Unlawful Detainer - a lawsuit brought against a tenant who stays in the home after the landlord has terminated your rental agreement.

Damages - you will often see that a landlord is demanding damages in this type of case. That does not typically mean they are accusing you of harming the property (though sometimes they may include this). The term, "damages" is a legal term and can refer to the amount of money a landlord is demanding. In an unlawful detainer case, the landlord can demand double rent for the period you stayed after the rental agreement ended. However, they must credit you for all rent you paid during that period and they must prorate the rent for only those days you over-stayed (for example, if you over-stayed ten days, they can only charge you double rent for those ten days and not for the entire month).

Judgment: a judgment is the document issued by the court stating who won the case. The judgment will either be in favor of the landlord or the tenant. An eviction judgment becomes final in ten days. Law enforcement can then remove the tenant.

Possession: a legal term referring to who has control over the property at issue. The court will often ask, "is possession at issue?" The answer is "yes" if the tenant is still living in the home (you still have "possession". If the tenant has moved out, then "possession is not at issue."

NEXT: **The Resources.**

The Resources.

Heartland Center for Jobs and Freedom
816.278.1344
www.jobsandfreedom.org
Heartland Center's website. You can find links to toolkits for other situations and other up-to-date resources for tenants.
Other Tenant resources and Toolkits -
http://www.jobsandfreedom.org/tenant-rights-attorney

United Way - 211
Call 211
https://uwgkc.myresourcedirectory.com/
United Way's hotline for local resources and services.

KC Tenants
816.533.5435
www.kctenants.org
They are an organization led by a multiracial, multigenerational base of poor and working-class tenants in Kansas City. KC Tenants are organizing to ensure that everyone in KC has a safe, accessible, and truly affordable home.