

Your landlord has filed an eviction case against you.

Now what?

There should be a summons and a complaint with this sheet. There must be a hearing at court before the landlord can make you move.

Small Claims Hearing

You can go to the hearing if you want to dispute the landlord's claims. You should be there **at least 15 minutes early**. Take the summons with you to help you find the right courtroom.

If you are not at court on time, a magistrate can make a decision without you.

You will not be arrested for not coming to the hearing, but if you do not come, the case will proceed and the magistrate will rule based on your landlord's evidence.

It is important to try to make a defense in small claims court, if you have one. See below for possible defenses.

The Hearing

Your landlord filed the court case and speaks first. Your landlord can have witnesses testify. You can ask questions to your landlord and its witnesses.

When your landlord is done, it will be your turn. Talk about your case and why you should not be evicted. The magistrate or landlord can ask you questions. Listen to the questions. Keep your answers short and respectful. Tell the magistrate if you have witnesses. When they testify, ask them questions.

Words to Know

Parties

The *Plaintiff* is your landlord. You are the *Defendant*.

Complaint

The complaint states the landlord's claims against you. Pay special attention to paragraph 3.

Summons

The summons is a notice. It states the date, place, courtroom, and time of the hearing.

You can represent yourself or have a lawyer. If you represent yourself, here are some tips:

→ **Be respectful.**

Call the magistrate "Your Honor." Do not interrupt the magistrate or a witness.

→ **Bring notes with you.**

Have a written list of the important facts and your claims. This will help you remember what to tell the magistrate.

→ **Bring your documents with you.**

Take the lease, rent receipts, repair requests, inspection reports, and other documents. You must have those with you if you want to use them.

→ **Have three copies of documents.**

One copy is for the magistrate, one copy is for the landlord, and the third is for you.

→ **Electronic evidence.**

Print any information from a phone that you want to use. This includes texts, e-mails, and pictures. The magistrate will not look at your phone.

Possible defenses for tenants

- **You do not owe rent.** The landlord claims that you owe more monthly rent than you agreed to pay. Or, you made payments that have not been credited to your rent account.
- **You did not violate the lease or any “house rules” that are part of the lease.**
- **You paid rent or made a new lease after a lease violation.** If that happened, the landlord may have waived, or given up the right to evict you.
- **You offered the rent on time, but your landlord wrongfully refused to accept it.**
- **You did not get correct notice.** The landlord gave you no notice or not enough notice.
- **Your landlord did not ask you to move out before filing the eviction court papers.** For most eviction claims, the landlord has to demand that the tenant move out (“surrender possession”) before filing the case.
- **Discrimination.** The landlord’s reason for evicting you is illegal discrimination (for example, based on your race, religion, gender, handicap, or national origin).
- **Domestic Violence.** Domestic violence happened in your home. The landlord’s reason for evicting you is that you were the victim of violence, or someone living with you was the victim.
- **Problem conditions.** You asked for repairs. The landlord did not make repairs. You may not owe the full rent.
- **Retaliatory Eviction.** The landlord wants to evict you because of your complaints or requests for repairs.
- **Wrongful Eviction.** Before the court case, your landlord did something illegal to try to make you move. Examples: The landlord changed the lock, or cut off the water or power, or refused to fix the wiring or A/C or heating or plumbing.

If you lose and want to appeal

If you lose and want to appeal, you have 10 calendar days (not business days) to appeal. You cannot have extra time to file.

The ten days start on the day after the hearing. You can appeal even if you do not attend the hearing. Appealing gets you a new hearing in district court. To appeal and stay in your home until the district court hearing, you must file appeal documents at the courthouse and pay rent as it comes due. You also may have to pay filing fees (they can be waived in some situations) and past due rent.

If you lose and do not appeal

If you do not appeal, your landlord must wait 10 calendar days (not business days) after the judge orders the eviction to schedule the lockout.

You do not have to pay any money to your landlord to stay in your home during those 10 days. After the 10 days are up, your landlord can file paperwork with the court to schedule the lockout with the Sheriff’s Department. Only the Sheriff can make you move out.

Speak with an attorney to find out your rights.