

What is Eviction?

An eviction is the legal process which the landlord uses to remove a tenant from the unit they are renting and end the rental agreement. The landlord does not need the consent of the tenant to evict them, because it is used only when the tenant breaks the rules of the rental agreement.

Reasons a landlord would evict a tenant:

- Nonpayment of rent
- Damage to property
- Causing a “serious & continuing” health hazard
- Engaging in illegal activities related to controlled substances (drug trafficking, etc)
- Engaging in illegal activities not related to controlled substances
- Violation of terms of rental agreement (lease)
- Failure to vacate the premises after the lease expires
- Failure to vacate the premises after the landlord has given timely notice to terminate the lease

These guidelines are based on the Public Act. No. 42 of 1917



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An Agency of the Greater Kalamazoo United Way



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Housing Resources Inc.

MISSION: ASSURING HOUSING FOR SOCIALLY AND ECONOMICALLY VULNERABLE PEOPLE IN OUR COMMUNITY

The Eviction Process



Housing Resources, Inc.
Opening doors in our community

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IT'S YOUR RIGHT**

Important Facts:

Here are a few important facts that you should know regarding evictions:

- Tenants have a right to a properly served, written notice of eviction served properly.
- Tenants do not need to move when the notice of eviction is expired. When it expires, the landlord then files for a court hearing and date. However, if the tenant stays, the landlord may request the court to order the tenant to pay all legal fees including filing and process server fees for the eviction.
- When the summons and complaint is received by the tenant, they should save it and show up to court on time. If either party does not show up to court, they will automatically lose the case.
- An appeal of the decision by either party must be made within ten days of the decision.
- Only an officer of the court can eject the tenant. A legal eviction can only happen after the landlord has won in court, and the appeal time has expired.
- There are legal ways to protest an illegal eviction. Speak to an attorney if you need to pursue this matter. Legal Aid of Western Michigan is an agency that offers assistance in solving tenant/landlord disputes. They can be contacted at (800) 783-8190.
- On the issues of fact, both parties have a legal right to have a jury decide the merits of evidence.
- A Self-Help Eviction is the landlord's attempt to remove the tenant from the unit without benefit of the legal eviction process. Public Act No. 300 of 1976 prohibits this type of eviction. Common ways a landlord might try it would be: shutting off utilities, changing locks, putting tenant possessions out of unit, or relocating them to another site. It is illegal, and the tenant can sue.

Eviction Terms You Should Know:

Demand for Possession/Non-payment of Rent

The first step of the eviction process is a Demand for Possession, issued for non-payment of rent. The tenant is issued a Demand for Possession which allows up to seven (7) days to pay the amount owed, if possible, file a dispute, or move. Often a payment arrangement can be established with a landlord at this step in the process.

Notice to Quit/Termination of Tenancy

A landlord will provide you with a Notice to Quit if there is a lease violation, illegal activities, or the landlord has to have the property vacated. The landlord uses this as a method to regain possession of the property legally either at the end of the lease and the landlord does not wish to renew or during the lease if there is a lease violation. The tenant has 30 days to move from the property. If the tenant does not move, the landlord can file in court to have the tenant evicted.

Summons & Complaint

If the tenant has not met the landlord's demands for notice to quit or termination of tenancy, they may file a complaint with the District Court. The summons to appear before the court is sent to the tenant, informing them that the complaint has been filed, the date, time and place of the hearing— usually about ten days after it is filed depending on the court calendar.

Court Hearing

Whether or not you feel you have a valid case, you should go to court. If you do not appear in court, the landlord will automatically receive a judgment against you. If you feel the landlord has not upheld his part of the lease, go to court prepared with your rent receipts, deposit

receipts, photographs, maintenance requests, inventory checklists, written statements by neighbors of incidents and/or conditions or any other documentation that will support your statements. If you lose, a court order is issued by the judgment. You will have 10 days to either pay in full (for a non-payment case) or move. For cases involving health and safety issues or illegal activities, the judge may allow less time to move.

Judgment Expiration Date

The Judgment Expiration Date is also commonly referred to as the out date. This is 10 days after the court date where a judgment is issued. The landlord cannot evict on this date but they may go back to court and file for a writ of eviction.

Money Judgment

If the judge issues a money judgment against you for back rent or damages, you owe all of those charges **plus** court costs **plus** your current month's rent since you are still in the unit. (This also avoids a future eviction for non-payment.) If you pay all of the outstanding costs in full, such as the judgment amount, court costs, etc., the judgment will be dropped. Get a receipt. ***Partial payments to the landlord do not save you from being evicted, nor will it reverse the judgment against you.*** Be aware that the judgment stands as long as it is not paid, and is never dropped and will appear on your credit history.

Writ of Restitution

If you have not vacated the unit by the out date, the landlord then can go back to court and have a Writ of Restitution issued. This is your final notice to leave the unit, giving the landlord the full right to enter the unit with a police officer and physically remove all of your belongings, and if necessary all of the people living there. Your belongings will be placed on the street. This is usually done 24 hours after the Writ of Restitution is issued by the court.