



Fact Sheet for Renters

Keep reading if you have received a letter from your landlord telling you to move out. Or, if you have been personally served with court papers filed by your landlord, asking that you be evicted.



1. Do I have to move out?

You do not have to move by the date your landlord gave you in the notice, but that may be your best option. It's up to you to decide whether to move out by the deadline, or risk the landlord filing an eviction lawsuit against you in court. If the landlord wants you to move, the landlord must file an eviction lawsuit against you, and have you served with court papers.

2. Can the landlord force me out without a court order?

Your landlord cannot legally change your locks, shut off your utilities, or have the sheriff remove you from the rental until after the landlord files a lawsuit and the judge rules in the landlord's favor.

3. Is it better to move out before the landlord files an eviction lawsuit against me?

Maybe, but only you can make that decision. If you have no valid defense to the eviction, then it may be better for you to move out by the deadline the landlord gave you in the letter to vacate.

If the landlord files an eviction lawsuit against you and you lose, you risk having to pay the landlord's attorney fees and perhaps 3 times the amount of the monthly rent or other damages. Also, keep in mind that a court order of eviction against you may make it harder for you to find a landlord who will rent to you in the future.

4. What if I've been served with court papers for eviction?

If you get served with court papers (the two documents will be called a "Summons" and a "Complaint"), you must file a written answer with the court where the eviction lawsuit is filed, to explain why you should not be evicted.

Your written answer is due to the Clerk of Court within 5 business days of the date you received the court papers. When counting those 5 business days, you don't count Saturdays, Sundays, or legal holidays when the court is closed.

If you don't file a written answer by the deadline, you will lose the opportunity to appear before the judge about the eviction and you will be evicted. The judge will enter what's called a "default judgment" against you.

Five Days is not much time

So don't delay in filing your written answer. You can find a form for the answer at www.montanalawhelp.org/resource/answer-to-eviction-lawsuit

5. What overall suggestions do you have for me?

It is best to avoid the landlord filing a lawsuit against you. Try communicating with your landlord. Try to resolve the dispute before the landlord files a court action against you. If you are served with court papers you must file a written answer by the deadline given in the papers. If you are served, contact MLSA or another attorney immediately.

Online Resources:

www.montanalawhelp.org

www.montanalawhelp.org/issues/housing/eviction-terminating-your-rental-agreement