LOCK-OUTS AND SHUT-OFFS TO EVICT ARE ILLEGAL

WHAT IS A LOCK-OUT OR SHUT-OFF?

A lock-out is when your landlord forces you out of your home without going to court first, like if they change or take off your locks. **It is illegal.** If a landlord tries to get you out by shutting off water, heat or electricity that is a shut-off and is also illegal.

A landlord can only evict you by filing a court case, called an eviction. If this happens, you will be served with court papers. In court you have a chance to tell your side of the story.

If you lose in court, or do not show up to court, the landlord will get an order called a Writ. The sheriff will post the Writ on your door, telling you to leave within 24 hours. If you do not leave in that time, the sheriff or police can come back, move you out, change the locks and supervise moving your things to storage.

A landlord can never force you out of your home without a Writ and a law officer. The landlord cannot change the locks, shut off your utilities, move your property outside, take off or board up doors and windows, or do anything else to make you leave. The landlord can *ask* or *tell* you to move, but a landlord cannot *force* you to move unless they go to court.

If you and your landlord sign a lease, but then the landlord will not let you move in, that may also be an illegal lock-out.

WHAT IF MY LANDLORD IS THREATENING TO LOCK ME OUT?

Tell your landlord that you know lockouts are illegal and they would have to evict you to force you to move. If your landlord is threatening to lock you out, always carry your ID and copies of things that show you are a current tenant. These could be things like a copy of your lease, copies of utility bills, rent receipts. It is good to have these in case you are locked out and have to call the police to get back in.

WHAT SHOULD I DO IF I AM LOCKED OUT?

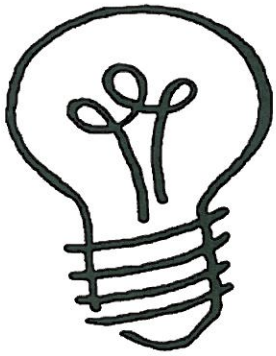
Call the landlord. Explain that a lockout is a crime and they can get jail time and a fine (Minnesota Statute 504B.225). Ask to be let back in. Take this fact sheet to the landlord if you have to. Remain calm at all times. If you talk to the landlord in person, bring a witness.

If the landlord refuses, call the police. Explain what happened. Say that you know that a lock-out is a criminal misdemeanor. Ask them to call the landlord and meet you and the landlord at the property to let you in. Show them this fact sheet when they come to your house. Show them the proof that you live there, like an ID, utility bill or lease.

If that does not work, or if you cannot find the landlord, call a lawyer. If you have a low income, call your legal aid office. Often, a call from a lawyer to the landlord will solve the problem.

HOW DO I FILE A LOCK-OUT CASE IN COURT?

If you have a lawyer or not, you can go to court and very quickly get an order to get you back into your home. Some courts have a form like the one attached to this fact sheet. Fill out the court form or the one attached, and take it to your county courthouse. Bring something that shows that you live on the property, like your lease, driver's license, or utility bill. Ask to see a judge as soon as possible. If you have a low income, ask for an "inability to pay" (IFP) form so you will not have to pay the filing fee. Bring proof of your income, like pay stubs, or proof of government assistance.



Your landlord may claim that you abandoned the apartment. If you have belongings there and have not told the landlord that you are leaving, you have not abandoned the apartment. The landlord must file an eviction case in court before moving your things or changing the locks.

You can ask the sheriff to help you get back in right away. You can also ask the court to set a hearing to decide if the landlord should pay you money (damages) for locking you out. The court should sign an order for you to take to the sheriff. The sheriff can let you back in, even if they have to break in.

Your damages are the money you lost or had to spend because of the lock-out. Tell the court about any damaged property, missed work, missed appointments, motel bills, gas and food expenses, or other costs. Keep receipts and bring them to court.

You can also get triple damages (3 times your damages), or $500, whichever is more, plus attorney's fee, ***if***:

- The landlord shuts off your electricity, water, heat, or gas AND you told the landlord about it, but the landlord did not try to get back your power within a reasonable time.

OR

- The landlord acted in "bad faith." Bad faith usually means lying, cheating, or knowing that you are doing something wrong but doing it anyway.

If you win money damages, ask the court to let you collect it by taking it off your rent. Get a copy of the order. If your landlord files an eviction case against you for unpaid rent, show the judge the lockout case order.

If you do not go to court to get back in, you can sue your landlord later in Conciliation Court. Be sure to save all your evidence and keep track of any witnesses. The sooner you act the better. Remember that if you owe your landlord any money, they can "counterclaim" for their damages if you file a case. See our fact sheet *C-1 Conciliation Court*.

To find other Legal Aid Society materials, including the fact sheets mentioned in this document, go to www.lawhelpmn.org/LASMfactsheets.

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Do not use this fact sheet if it is more than 1 year old.
Write us for updates, a fact sheet list, or alternate formats.
Information based on MN law. Fact Sheets are not a complete answer to a legal problem. See a lawyer for advice.

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STATE OF MINNESOTA DISTRICT COURT

COUNTY OF _____

_____
Plaintiff (Tenant)

LOCK-OUT PETITION

Vs.

_____ FILE NO.
Defendant (Landlord)

Plaintiff states under oath:

1. My address is _____

2. My landlord's name is _____

3. My landlord's address is _____

4. The monthly rent is $ _____

5. I have not abandoned my home. I was last there on _____ At that time, my personal property was still there.

6. The landlord has forced me out of my home by doing the following:

_____

_____

_____

7. The landlord did not go to eviction court for a writ (Minn. Stat. 504B.345) or have the sheriff act on the writ (Minn. Stat. 504B.365).

8. I am entitled to triple damages or $500, whichever is more, plus attorney's fees (Minn. Stat. 504B.231, 504B.221) because:

☐ The landlord shut off my electricity, water, heat, or gas. I told him/her about it, but s/he did not try to restore service within a reasonable time.

and/or

☐ The landlord has shown bad faith by:

_____

9. My monthly income is $ _____ I can't afford to post money as security in this case.

10. I respectfully ask the court for an order:

A. To restore me to my home.

B. To have the sheriff serve the court's order on the landlord.

C. To have the sheriff to restore me to my home immediately, with or without the cooperation of my landlord.

D. Set a hearing under Minn. Stat. 504B.375 to hear my claims for damages, costs, and attorney's fees.

E. Allow me to deduct any money judgment against the landlord from my rent.

F. Rule that I do not have to pay security.

I certify that, to the best of my knowledge:

- This document is not being filed for an improper reason, such as harassment or delay; and
- My claims are supported by the law; and
- There is evidence for my claims and/or my denials.

I know that I may be fined or sanctioned by the court if this certification is false.

Date: _____

Subscribed and sworn to before me
this _____ day of _____ 20 ___

_____

Notary Public