

TENANT TOOLKITS

One-month notice to vacate

Sometimes life happens.

If your landlord had served you a notice to vacate 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.or
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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 Options.

Your Rights.

Tenants have a right to receive notice to vacate in writing and have the opportunity to move before the landlord can file an eviction case. However, if the tenant is behind on rent, no notice is required. When notice is required, the notice must give the tenant one rental period to move. If a tenant doesn't move the landlord will likely file an unlawful detainer case. As part of the case, tenants have a right to their day in court and to require the landlord to prove that the notice was provided and proper.



NEXT: **Your Options**

Your Options.

SEEK AN ATTORNEY IMMEDIATELY IF YOU'RE SERVED COURT PAPERS

Options for tenants include:



MOVE.

Move out before the date to vacate. If a tenant does this, they'll want to follow move-out procedures. Click [here](#) for information on moving out. Also, see our [toolkit on getting your deposit back](#).



NEGOTIATE.

Tenants have the right to negotiate with their landlord. This negotiation could offer to move but ask for more than the month. Any agreement should be put in writing, signed, and dated by both parties (tenant and landlord). We have a **negotiating form** [here](#) that tenants may use. Keep a copy of any agreements and always obtain receipts for payments made towards the rent balance.

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 the agreement is made without one.

One Month Notice - written notice from a landlord, provided to a tenant. When a landlord wants a tenant to move, they might send a thirty-day notice. If you are a “month to month” tenant – meaning you have no active lease, this notice can be used to end your agreement with the landlord. If you do have a lease, the notice may also be used as a non-renewal notice (check your lease to see what kind of notice is required). (If you get a ten-day notice, review our ten-day notice page). A landlord cannot force you from the home without going to court.

One Month – seems simple enough, right? Actually, it can be tricky. The month must include an entire rental period. The landlord cannot give you a date to vacate that falls in the same month the notice was delivered. And, the date to vacate can only land on the last day of the rental period. Confused? Let’s try some examples.

Examples (assuming rent is due on the FIRST).

- If a landlord delivers a letter on March 1 telling the tenant to vacate on March 31, the notice would be invalid (the notice date and the date to vacate fall in the same month).
- If the landlord delivers notice on February 28 telling the tenant to vacate on March 31 – that would be valid (because the notice came the month before the vacate date).
- If the landlord gives notice on March 15 and tells the tenant to be out on April 15, that would not be valid because the rental period does not end until April 30.

Eviction – a lawsuit that concludes with a judge issuing a judgment for eviction. Law enforcement can “execute” ten days later (forcibly removing a tenant from the home). These officers can allow a landlord to remove tenant's possessions and change the locks.

Damages – this is what a landlord asks the court to give him when he sues a tenant. In eviction cases, the damages are often the past due rent, late fees, attorney’s fees and court costs. Damages aren’t referring to the actual damage of property.

Unlawful detainer – the type of case that a landlord would bring if a tenant failed to move after they’ve been given proper notice. These cases carry a significant penalty if the tenant loses; the landlord can ask the court to charge the tenant double rent for every day they stayed past the expiration of the notice.

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.