

TENANT TOOLKITS

Rent and Possession

If you have received a notice to appear in court regarding an eviction for rent and/or possession, 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.org
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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 Rights.

Your Rights.

You have a right to be represented by an attorney. When a tenant has a lawyer they are much more likely to remain housed and eviction-free. You also have a right to remain in your house unless and until the court issues a judgment against you and in your landlord's favor. If you speak a language other than English, you have a right to a court-appointed interpreter.

If you are a resident of Kansas City, Missouri, you have the right to a free attorney.

Please go to <https://gkcassistanceprogram.org/evictiondefense/> to begin the intake process, or call 816-474-5112.

In a rent and possession case, if you pay everything your landlord is demanding in the lawsuit prior to your trial date, the landlord must dismiss the case. If you lose your case but pay the entire judgment amount within ten days from the day the judgment is issued, law enforcement cannot evict you. If you are attempting to avoid eviction by paying everything off, call us for additional tips. (816) 278-1344

NEXT: Your Options.

Your Options.

If you are facing an eviction and have a court date set, you have one of two options:



SEEK LEGAL ASSISTANCE

If you are represented by a lawyer, you are much more likely to keep the eviction off your record and stay housed. If you are not represented by a lawyer, the system is very difficult to navigate alone and you are at a much higher risk of eviction.

If you are a Kansas City, Missouri resident, click [HERE](#) to access an attorney.

The following organizations represent tenants in Jackson County but outside KCMO for free (call ASAP):

Legal-Aid of Western Missouri: 816-474-6750

UMKC Eviction Hotline: 816-235-2379

*If you are outside the KC Metro area, search online for legal aid organizations in your region.



DEFENSES AND COUNTERCLAIMS

If you are representing yourself, file your defenses and counterclaim (if you have one)

If your housing conditions were unlivable, you may have a defense to your rent and possession case. However, you must file that defense with the court or the court will not consider it. [Here is a form you can use.](#) File it as soon as possible with the clerk of court. Provide a copy to the landlord's attorney as well. You can often find the attorney's email at the end of the lawsuit after the attorney's name and address. Some landlords represent themselves so you would just provide the document directly to them.

NEXT: **NEXT STEPS.**

Next Steps.

If you are representing yourself:



NEGOTIATE WITH THE LANDLORD'S ATTORNEY

Trials are tricky and you never know what will happen. If you can get a settlement agreement, then you won't have to guess. You can offer to pay money to your landlord and/or move in exchange for a dismissal. Try to avoid any kind of judgment, including a "consent judgment" because that will hurt your record. If your landlord represents him/herself without a lawyer, you can contact them directly. If you are able to work out an agreement, get in writing. [Here is a form you can use.](#) You can negotiate before court by calling the landlord's attorney (the number is on the lawsuit). If you cannot reach them, talk to them in court. Ask the judge if you and the landlords' attorney can step into the hall to talk before proceeding. If you have applied for rental assistance (call 211 for resources), bring proof to show the landlord's attorney and ask for a continuance until the money arrives.



TRIAL

If you do not get a settlement with the landlord's attorney (or unrepresented landlord) you will have a trial. The landlord will get to testify first. You can ask the landlord questions and examine any documents they submit to the court. Then it will be your turn to tell your story, provide the court with photos and other evidence. If you have evidence on your phone, try to print it off. Many judges will not treat items on your phone as evidence since they won't have a copy to put into the record.



IF YOU LOSE YOUR CASE

If you go to trial and lose, a judgment will be entered against you. If you pay it within ten days, law enforcement cannot evict you. If you do not pay, they can evict you after the ten days are up. The judgment will hurt your record. If you want to discuss ways to get it off your record, see our [toolkit on judgments.](#)

NEXT: **The Lingo**

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 there is a spoken agreement.

Rent and Possession - A "rent and possession" case is usually brought against a tenant when the tenant has fallen behind on rent. If a tenant cannot pay the rent, the landlord can seek "possession" which simply means the landlord wants a court order giving the property back. HOWEVER, rent and possession cases are really about money and if the tenant can catch up (and pay fees) before the case finishes, they can usually remain in the home.

Judgment: a judgment is the document issued by the court stating who won the case. The judgment will either be in favor of the landlord or the tenant. A judgment becomes final in ten days. Law enforcement can then remove the tenant from the home.

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.